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ABSTRACT

One of the most difficult and time-consuming set of problems school administrators face each day has to do with student discipline. This manual provides a series of suggestions on ways that successful schools and administrators deal with discipline problems. Models and examples included are intended to stimulate and assist practicing administrators when they attempt to review discipline procedures and practices in their schools. The manual is organized into seven chapters on the following topics: (1) the need for school rules; (2) the need for consequences for misbehavior; (3) the need for conflict management; (4) the need for procedural justice; (5) the need for equal opportunity; (6) the need for violence-free campuses; and (7) the need for drug-free schools. Numerous sample forms such as "Daily Assignment Log," "Weekly Behavior Contract," and "Twelve Ways to Settle Disputes," are dispersed throughout the manual. Excerpts from four Supreme Court cases are included in an appendix: "In re Gault" (1966); "Tinker v. Des Moines Independent Community School District" (1969); "Goss v. Lopez" (1975); and "T.L.O. v. New Jersey" (1985). (MLF)

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School Discipline Practices

Lou Rosen

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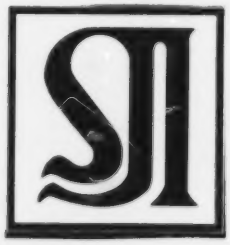

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A School Justice Institute Publication

School Discipline Practices

A Manual for School Administrators

Lou Rosen, Ph.D.

School Justice Institute

29249 Bates Road, Perrysburg, Ohio 43551 • (419) 666-6648

A Publication of the School Justice Institute
A non-profit corporation

The purpose of the School Justice Institute is to assist school administrators in formulating good school rules and policies and to increase their capacity to enforce those rules with equanimity and fairness. It is also to provide a network whereby exemplary school justice practices can be shared with others in the profession through newsletters, workshops, and conferences.

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Louis Rosen

Introduction

Creating a Practical Manual for School Administrators

School administrators are very busy people. The number of problems they resolve during a normal work day would amaze most teachers and parents. Sometimes the problems they solve are petty and at other times overwhelming. One of the most difficult and time consuming set of problems they face each day has to do with student discipline. Discipline problems occur for a wide variety of reasons including lack of self-control, poor adult models, the need for approval, and the need for attention. In the most serious cases, it may be based in emotional disorders. There is no backing away from the need for discipline and well controlled school campuses. Discipline is a necessary ingredient of living in the real world.

The manual provides a series of suggestions on ways in which successful schools and successful school administrators deal with discipline problems. The content of the text is deliberately short on theory and long on practice. The models and examples included are intended to stimulate and assist practicing administrators when they attempt to review discipline procedures and practices in their schools. The manual is intended to be used as a tool for improvement and review. It is also intended to keep administrators from reinventing the wheel when it comes time to create new rules, policies, or procedures.

This text can also be used to introduce aspiring school administrators to the everyday work of school administration. Obviously there is no substitute for on-the-job experience, but reviewing current practices and issues may be helpful prior to being placed on the firing line.

It is important to note that the author recognizes that school administration is a pragmatic art and not an exact science. It is an art form which ultimately depends upon the good judgment of the practicing individual. This text hopes to provide a stimulus for good judgment and thereby be of some help for school administrators in their work in the area of school discipline.

Creating a School with a Sense of Community

Experienced school administrators recognize that schools with a sense of community and belonging create an atmosphere with less discipline problems. A school with a positive sense of community has both formal and informal rules, norms, beliefs, and values that govern the day to day behavior of students, staff, and administrators. A positive sense of community includes a high level of mutual respect, affiliation, and bonding among students and staff. Bonding includes a mutual caring between students and staff, a sense of security on campus, and a sense of responsibility for what happens at school. In good schools behavioral expectations are clear and well established. Students want to comply with the positive expectations that are evident in the general atmosphere in the classrooms, in the halls, and on the campus. When school morale is high negative behavior is obvious and is dealt with quickly and firmly. In schools with a positive sense of justice, decisions which effect the school community as a whole are made by joint committees composed of administrators, teachers, students and parents.

It is not difficult to evaluate whether or not a school has a positive sense of community. In schools with a positive sense of community the campus looks good and is generally neat and clean. Students are in class and on time. Teacher absenteeism is minor. Administrators smile a lot and have an easy rapport with both students and teachers. Parents are frequently seen at school both during the school day and at evening events. There is also a great deal of laughing and general good humor in a positive school.

In general, the school with a positive sense of community is a good place to be for everyone involved. The student who violates school and classroom rules and regulations has made a serious mistake because he/she may lose the right to be a part of what most students believe is a good thing.

Calvin and Hobbes

by Bill Watterson

WHY CAN'T I STAY UP LATE? YOU GUYS CAN!
IT'S NOT FAIR!
THE WORLD ISN'T FAIR, CALVIN
I KNOW, BUT WHY ISN'T IT EVER UNFAIR IN MY FAVOR?
WATTERSON 7-29

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1 The Need for School Rules

One of the first things schools must have in order to have a well-controlled school, where teachers can teach and students can learn, is a set of good school rules. A school without clear rules and regulations is a school without leadership. Good leadership results in a clear set of expectations. Expectations for learning are what schools are all about.

Good school administrators are aware when their school rules and regulations are out of date and need revision. Obviously, the examination of existing school rules and the creation of a revised set of rules should not be done in isolation. Revision of school rules is an ideal task for an administrator, teacher, parent, and student committee.

Prior to examining or creating a set of good school rules, it is necessary to establish some criteria for good rule making. The Center for Civic Education in Calabasas, California, has provided an excellent set of standards for good rules.[1] The Center believes that good school rules should have the following qualities:

- Be clear
- Be specific
- Be easily understood and appropriate for the age group for which they are intended
- Accord due process for persons who break the rules
- Be well designed to achieve their purpose
- Should not discriminate
- Be possible to enforce
- Be fair to all concerned

The Center has also developed an interesting exercise to help individuals and groups differentiate between a good rule and a bad one. At the end of this chapter are three sets of school rules from four successful schools. After completing the Center's exercise, examine each set of rules and determine if they meet the criteria for good rules.

Listed below are ten rules made by ten fictitious school authority figures. Examine each rule and keep in mind the criteria for good rules listed on the previous page.

1. Mr. Johnson, a high school principal, was upset with the number of fights occurring on his school campus, so he made the following rule: "Any student caught fighting on school campus will spend every lunch period and two hours after school in a detention room until graduation."

2. Ms. Robertson, a middle school teacher, was concerned with the number of students coming to school under the influence of drugs, so she made the following rule: "Students coming to my class in any way vulnerable to the deleterious effects of an illegal substance will be sent immediately to the principal's office."

3. There were too many students being sent to the office for disciplinary reasons, so the principal made a rule which said: "All students should behave themselves and do the correct thing."

4. Dr. Watson, the superintendent of schools, was concerned about the weapons problem in his school district, so he made the following rule: "Any student caught with a weapon in his or her possession will be sent immediately to juvenile prison."

5. The governor of the state was concerned about the number of student attacks upon teachers so he made the following rule, "Any student who attacks a teacher will be stabbed and then shot."

6. In order to assist with the problem of alcohol use among students in the district, the school board made the following rule: "It will be against board policy for students to purchase alcohol in off-campus liquor stores."

7. In order to help stop the number of truancies on campus, the student council made the following rule: "Students who are truant to class will no longer be allowed to participate in athletics or school dances."

8. Ms. Fredericks, the assistant principal, was concerned about girls being late to class due to primping in the restroom, so she made the following rule: "Girls late to class for any reason must remain after school for one hour for each minute late to class."

9. The chief of police was concerned about the number of thefts from garages being made by students walking to and from school, so he made the following rule: "Students walking to and from school must walk on the sidewalk or along the curb or they will be arrested."

10. Mr. Matthews, a high school teacher, was concerned about the amount of cheating going on in his class, so he made the following rule: "Students caught cheating on a test will be expelled from school."

For each of the above rules, answer the following questions, then fill in the chart by listing what is wrong with the rule and what the rule should be.

1. What rule did the person or group make?
2. Why did the person or group think the rule was needed?
3. Aside from making the rule, what might be some other ways to deal with the problem?
4. What are some things that might happen because of this rule?
5. What is wrong with this rule?
6. Would you keep this rule as it is, change it, or do away with it? Why?

RULE	WEAKNESS	THE RULE SHOULD HAVE SAID:
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Obviously, every school must develop its own set of discipline codes and rules. Differences in geography or student population make any standardized set of rules impossible. For example, extreme cold weather may cause some schools to be more lenient on the wearing of hats on campus. Other schools may view hats as a symbol of gang related activity which could invite violence. Similarly, hot weather may allow schools in some areas to be more lenient about wearing tank tops or shorts to school. For some schools having a smoking area on campus may be acceptable, while for others it may be against state laws. Schools, like students, have individual differences and good school rules respect that individuality.

Examining Sets of School Rules

In the above exercise you gained the ability to analyze and revise a set of rules. On the next few pages there are three sets of school rules for your examination. Review each set of rules and determine if there are any weaknesses and if so, see if you can make them better. After you have examined each set of rules and made any necessary revisions, examine the rules from your own school and see if they need revising.

MODEL I

MERCED HIGH SCHOOL

Merced High School is located in Kern County, California.

BEHAVIOR GUIDELINES

Discipline is a necessary part of this or any school. Discipline is important to help maintain an atmosphere that will not only allow learning to take place but to encourage learning. Students not only have a legal right to an education, they have a legal obligation to attend school. The main reasons for the rules and regulations is to encourage individual students to be active learners, to provide an atmosphere whereby teaching and learning can flourish, to maintain order, health, and safety, and to comply with the laws of our society.

Students are not only expected to be responsible for their behavior, they also will be held accountable for their actions by the vice principals. Students can expect to be treated in a fair, consistent, equitable, and timely manner by the vice principals who will also explain the consequences of persistent refusal to comply with school rules. The ultimate goal of the vice principal in the disciplinary process is to get the student to modify his behavior as he can be a successful learner as well as a self disciplined individual.

REFERRALS TO THE VICE PRINCIPAL

When a student receives a pass from the vice principal in his class or when the teacher sends a student to the vice principal that student is expected to come to the vice principal's office at once (no later than the end of that period). The student is to stay in the office until he has been seen by the vice principal or until the secretary gives the student a pass back to class.

Any student who does not come to the vice principal's office who received a pass or who was sent by the teacher or who comes to the office but leaves without permission will be considered to be in defiance of the valid authority of school officials and will face additional disciplinary action.

See consequences for B.10 (Defiance or Disobedience) in General School Rules.

TARDY POLICY FOR MERCED HIGH - NORTH CAMPUS

A All students are expected to be in their seats prepared to work when the bell rings. It may be possible to be excused from a detention if there is an extreme hardship situation if the student see's his vice principal in advance with a note from a parent explaining the circumstances. Students who are excused absent all day on the day of their detention must serve the detention on their first day back to school.

1. A student who is tardy will be assigned a detention to be served on the next day of attendance. (Teachers may impose appropriate classroom penalties as well.)
2. A student who is tardy to more than one class in the same day must serve as many detentions as tardies.

PROCEDURES FOR TEACHERS: Teachers will complete the appropriate tardy form assigning the student a detention and give one copy to the student and turn in the other copy to the office by the end of the day.

B *On the 10th tardy (total for all classes for the semester) and every tardy thereafter the student's name will be given to the Vice Principal.

1. 1st referral - 10th tardy: parent contact and one day placement in the Opportunity class for the entire day.
2. 2nd referral - 11th tardy: parent contact and two day placement in the Opportunity class for the entire day.
3. Subsequent referrals - 12th tardy and beyond: parent contact and three day placement in the Oppo tunity Class for the entire day.

C Students found on campus (not in their assigned classroom or station without a pass after the tardy bell rings will be subject to being assigned a detention in addition to the tardy detention for loitering.

POLICY FOR STUDENTS WHO FAIL TO SHOW UP FOR DETENTION(S)

First time:	**(During the school year)** Student assigned two detentions or one day of suspension. **Note:** (for a half hour tardy detention) Student assigned one 45 minute detention for each unserved 30 minute detention.
Second time:	Parent contact, student assigned up to three days of all day suspension.
Third time:	Parent contact, student assigned up to five days of all day suspension

Transfer To Alternative Education

Students who accumulate 20 days of all day O.C.S.A. and /or home suspension will be subject to transfer to an alternate education program.

Student Responsibilities

Student responsibilities include **regular school attendance,** conscientious effort in classroom work and adherence to school and **posted classroom rules and regulations** (Education Code 48921). Most of all, students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning. No student has the right to disrupt the education of fellow students.

Students have the responsibility to protect and take care of the school's property and to assist in monitoring and reporting to the appropriate authorities unusual occurences and activities. These include vandalism of school property, destruction of student property, or violations of the rules of student conduct.

Students have the responsibility to respect the rights of teachers, students, administrators, and all others who are involved in the educational process.

Students have the responsibility to initiate their request for an appointment to confer with the teacher, counselor, administrator or other personnel connected with the school. It is the responsibility of the student to indicate the degree of urgency.

Students have the responsibility to ask a teacher to review the grading records when the student feels a mistake has been made. If an error is found, it will be corrected.

Students serving on committees have the responsibility to represent the student body in delibertaions and to report back to those whom they represent regarding progress and decisions.

Students have the responsibility to refrain from any distribution or display of materials which are obscene, libelous, or which advocate the commission of unlawful acts. Students have the responsibility to consult in advance with appropriate school personnel to determine such legal definitions. Students, like all other citizens, may be held accountable for their actions.

Students have the responsibility to recognize and protect curricular and co-curricular opportunities for students. When necessary, students also have responsibility to notify and obtain approval from their teachers, coaches, advisors in advance of any absence that may occur in order to participate in curricular or co-curricular programs.

Students have the responsibility to determine the extent of their individual involvement in the student government structure. Elected officers to the student government have the responsibility to conduct their affairs in the best interest of all students.

Students 18 years of age or older, have the responsibility to inform the school authorities that they are assuming their adult status.

Smoking

Students shall not use or possess tobacco products during school hours or at school related activities. School officials will enforce this policy for any infractions on or adjacent to the school campus or at activities off campus.

Parking Lot

Even though Merced High North has open campus at lunch students may not use their cars during that time, unless they have a valid outside pass, work experience sticker indicating a 4th period assignment, or ROP card (with a sticker which allows them to drive) indicating a 4th period assignment. **Students may not be picked up or dropped off in cars on the campus during lunch by anyone other than a parent. The parking lot is in fact off limits to all students** during the school day. **Students may not drive their cars to and from East Campus for their classes or for any other reason during the school day. The school does not accept responsibility for theft or damage to vehicles parked in the school parking lot.**

Corridor Pass

A student who wants to go to the library, restroom, etc. during classtime must obtain a corridor pass from his/her teacher. If a student has been detained by a member of the school staff, and is late to class, he/she must have a corridor pass to avoid receiving an unexcused tardy.

Loitering

Students should not loiter on or about private property adjacent to the high school at any time. Law enforcement agencies may be notified.

Excessive Displays of Affection

Students are not permitted to engage in excessive displays of affection (e.g. kissing). On the second offense, parents will be contacted.

Radios or Cassette Players

Radios, tape or disc players are not permitted on campus during the school day. Violators will be subject to having these items confiscated.

Classroom Disruption

Students who are a continuous disruption in a classroom will be subject to being dropped from that class with an F grade for the semester. Students who are dropped from more than one class for disciplinary reasons will be subject to transfer to an alternate educational program.

Dress Code

The expression of a student's uniqueness and individuality by means of his/her dress is sanctioned by the Board of Trustees as being consistent with stated purposes of the school. It should be recognized that any apparel, or lack of, which draws undue attention to the wearer tends to detract from the educational process and is, therefore, inappropriate. Good taste and good grooming are a part of learning. In addition, it is recognized that the school shares with the parents a responsibility for teaching young people appropriateness of dress. It is a mark of maturity when students can freely choose apparel that demonstrates individuality without deviating from the standard appropriateness.

Restrictions on freedom of student dress will be imposed whenever the mode of dress in question is:

a. Unsafe either for himself/herself or those around him/her.
b. Is disruptive of school operations and the educational process in general.
c. Is contrary to law.

Merced High School Dress Policy Gudelines

- No spandex type pants or tops which draw attention to the wearer.
- No low, off-the-shoulder dresses which draw attention to the wearer.
- No tube tops.
- No short shirts allowing bare midriffs.
- No shirts, jackets, etc. displaying profanity or vulgarity.
- No clothing, jewelry, etc. which advertises or encourages the use of illegal drugs or substances. No clothing that advertises or promotes the use of alcohol.
- No short shorts.
- No see-through tops.
- No bare feet. Shoes must be worn at all times.
- No torn outer garments which allow exposure of undergarments.
- No attire which affiliates with outside groups, organizations, or gangs.
- No Bandanas.

Merced High School/North On Campus Suspension Alternative (O.C.S.A.)

Purpose

O.C.S.A. is intended to provide pupils and parents an alternative to out-of-school suspension. Although students are removed from regular classes, O C S A is designed to provide productive study time. Students will receive full credit for assignments completed in O C S A and will be allowed makeup for tests or quizzes missed during suspension. **A student assigned to O.C.S.A. by an administrator, must serve the full number of days assigned. Taking a home suspension is not an option. Absences will be considered unexcused or truant.**

Time

8:20 A.M. - 3:05 P.M.

Lunch

Lunch is scheduled after the regular lunch period - subject to certain restrictions. Students should plan to bring their own lunches or purchase lunch off campus. The cafeteria will offer limited lunches to those students with lunch tickets. Students failing to return to O C S A after lunch may be required to remain in O C S A for lunch for future O C S A dates. These students will be considered truant.

Behavioral Requirements

1. Misbehavior of any type while in O C S A may result in the student being removed from O C S A and being sent home. This would be considered as a home suspension for that date and the student would be required to serve an additional day of O C S A upon returning to school.
2. Students who are assigned to O C S A and come on campus but do not report and attend O C S A class, will be suspended for an additional three days.
3. Any student who arrives late or does not have study materials may be sent home or assigned additional detentions/O C S A. This will be considered as an unexcused absence. The student will serve O C S A as assigned beginning on the following school day.
4. Students assigned to O C S A will be expected to complete learning packets assigned by the supervisor.
5. Students who are ill need to have their parents contact the school by phone on the date of the illness. O C S A will resume as assigned upon the date the student returns to school. **A note from the parent, verifying the illness, will be required to excuse the absence.**

Class Assignments

Work completed in O C S A will be accepted by the regular teacher without penalty to the pupils. Pupils failing to do the work provided and/or not returning it to the teacher, will not be allowed further make-up. Students are expected to have the necessary materials (books, pencils, paper) with them when they report to O C S A.

Attendance Procedures

Anytime a student is absent from class it will be entered in the computer. **The automatic system will call the parent to inform him/her that the student has been absent from school one or more periods that day.** The only way to avoid this is either for the student to be present in all classes, or for the parent to call the Attendance Office that morning to inform us of the reason for the absence.

Whenever a student is marked absent from a class it is imperative that the absence be verified/cleared or it will automatically be considered a truancy. (Absent without valid reason). Disciplinary action will then take place. If a student is erroneously marked absent, it will be his/her responsibility to bring a note from the teacher explaining the error. The correction will then be made in the computer.

Each time a student is absent from class 30 minutes or more, he/she must obtain an absence voucher from the Attendance Office to present to each teacher.

It is recommended that students obtain vouchers early when there is no line. **The Attendance Office opens at 7:00 a.m.** Any student not in line before the first bell rings at 8:13 a.m. will be given an unexcused tardy by his/her teacher and detention must be served.

If a parent has not called to verify the reason for a student's absence, it is necessary to bring a note from the parent upon return to school stating the student's first and last name, the date(s) of absence and the reason. This must be signed by the parent. Any student presenting a forged note will be disciplined. **Unverified absences are automatically considered truancies after twenty-four hours.**

An **EXCUSED ABSENCE VOUCHER** will be given for only the following reasons:
Illness, medical or dental appointment, funeral of a member of the immediate family, or attendance in O.C.S.A. **All the other reasons are considered unexcused.** EXCUSED VOUCHERS **MAY** be given for certain types of absences **IF** prior approval has been requested by the parent at **least two days PRIOR** to the absence. The parent should contact the student's Vice Principal to make arrangements. The student must request homework **prior** to the absence, and must turn it in upon return to classes. Examples of reasons which **may be** considered **excused** are court appearances, religious holiday, visits to a college, or employment interviews. Family trips/vacations are considered **UNEXCUSED ABSENCES** and it is up to the teachers whether or not to allow makeup for credit.

A student must obtain an Outside Pass (OSP) in order to leave campus anytime during the day. 1) If a student has an appointment during the day, he/she should bring a note from the parent **before school**. The note should state the student's name, the time and place of the appointment, what time he/she is to leave campus, and how the student is to get there (i.e. walk, drive, parent will pick up, etc.). The OSP may be picked up at a later time between classes or during lunch. **The OSP should be signed or stamped at the destination and an absence voucher obtained upon return to school.** 2) If a student becomes ill during the day, he/she should come to the Vice Principals' Office (Room 107). One of the secretaries will call a parent or other person specified on the Emergency Procedure Card to determine whether the student will be issued an OSP. If the student goes home, the signed OSP should be returned to the Attendance Office in exchange for an absence voucher upon return to school.

After a student has been absent ten days during the school year, the parent will be informed in writing. If excessive absences continue, the student may be placed on "Attendance Supervision", and may be required to bring a medical note for any further absences or be considered unexcused.

Parents are welcome to call the Attendance Office at any time to check on their student's absence. Call

Merced High/North 385-6450/385-6451

Visitors

Students are not allowed to bring non-Merced High School students to campus as visitors during the school day, including lunch unless the visitor is part of a planned program for the class which has been approved by the teacher. The student must register his guest in the Principal's office upon his arrival.

TRUANCY

Students may not be absent from school without a valid excuse. While every effort shall be made by school personnel to work toward a change in behavior of each truant student, it is recognized that consequences for truancy must be firm and clear to parents and students. The following steps will be followed when a student is absent from school without a valid excuse or is tardy in excess of 30 minutes.

First incident - The student will be advised of the mandatory attendance laws, the District's pertinent policy and procedures, and instructed to attend all classes. Parent contact will be attempted and up to 3 detentions will be assigned.

Second incident - The student's parents will be informed (preferably by conference) of their legal responsibilities. The student is again directed to attend all classes. The student and parents are notified that failure to follow the school's directions shall be treated as "defiance of authority". Up to 6 detentions will be assigned.

Third incident - Student will be referred to the vice principal and will again be directed to attend all classes unless excused for legal reasons. The parents/guardians and student will be informed that failure to follow this directive will be considered "defiance of authority". The next incident will lead to loss of co-curricular eligibility. Alternative programs, including the need for additional counseling, will be discussed. One day of all day on-campus suspension alternative will be assigned.

Fourth incident - Student will be referred to the vice principal. The student is now a legal truant (absent from school without a valid excuse more than three (3) days or tardy in excess of 30 minutes on each of four or more days) (Ed Code Sec. 48200). The vice-principal shall call and hold a parent conference. (A first class letter will be mailed if the parents are unable to attend.) Parents/Guardians and students are again informed that failure to follow the school's directive to attend classes will be in "defiance of authority" and may be grounds for referral to the County School Attendance Review Board (SARB) and/or involuntary transfer to an alternative program. **Student shall be declared ineligible for co-curricular activities for six (6) weeks from the date the conference is held. Three days of all day on campus suspension will be assigned.**

Fifth incident - Student will be referred to the vice principal. The parents and the student will be informed that the next incidence of refusal to attend classes upon the direction of school authorities shall result in a referral to the district's Alternataive Program Screening Committee or SARB which can result in an involuntary transfer to an alternative program. It shall be recorded that the student is again truant. The student shall be declared ineligible from co-curricular activities for six (6) weeks from the date the conference or parent notification is mailed. Three days of all day on campus suspension will be assigned.

Sixth incident - The student is now classified as a legal habitual truant (Ed Code 48262) who has been in "persistent defiance of authority". Upon recommendation of the vice-principal the student will be referred to the district's Alternative Program Screening Committee. Up to 5 days of all day on campus suspension will be assigned. All action taken will be clearly explained to the parents and student.

Model II

McIlvaigh Middle School

McIlvaigh Middle School is located in Tacoma, Washington.

School Rules

School rules which are consistently enforced by all staff members include the following:

1. Students are responsible for entering the school no earlier than 7:40, getting to class by 7:50 and leaving no later than 2:30 p.m. unless authorized by staff.

2. Students will bring all necessary materials to class but no personal property of any type that might distract from the learning environment and personal safety except for special supervised occasions.

3. Everyone will treat each other's property and school property with respect.

4. Everyone will conduct themselves in an orderly and respectful manner on all occasions and at all school activities.

5. Students and other persons are not to have in their possession any illegal items or anything that promotes the use of illegal products.

6. Students are to wear only acceptable clothing and accessories while at school.

7. Everyone will treat each other with respect (students, staff and visitors alike).

The above rules are enforced in the following manner.

First offense—15 minute noon detention at the beginning of lunch.

Second offense—30 minute noon detention. (All students will get to eat.)

Third offense—Advisory and after school detention (1:55-2:25 p.m.).

Fourth offense—Administrative discretion, in-school suspension, double after school detention, etc.

Fifth offense—Administrative discretion, in-school suspension, 1-3 days, suspension, etc.

As staff members we are also counselors and are constantly talking with students regarding our expectations. Most often students are redirected, asked to do things over the correct way before they are given detention.

Building Discipline Policy

I. McIlvaigh Middle School's philosophy of discipline and motivation

Everyone at McIlvaigh Middle School is expected to do their very best at all times. Staff and students will all work together to help every person in the school reach their fullest potential. Any behavior or action which helps someone grow and mature will be encouraged. Any behavior or action which interferes with another person's growth or the student's own growth will not be allowed. Students will be encouraged to remember the phrase, "Do your best and help others do their best."

When every person in a school is doing their best, the school becomes an exciting and warm place where every person is learning new things every single day.

Everyone in the school is encouraged to actively work on the following goals:

Goal 1: Try your hardest and do your best.

Goal 2: Help others and yourself to learn.

Goal 3: Manage yourself and practice ways to settle disagreements (peacefully by):

- walking away from the problem
- talking to one another
- asking an adult for help.

Goal 4: Treat others with kindness and respect.

Goal 5: Take care of property.

II. Guidelines for students

In the classroom: Students will follow the teacher's classroom rules. Since every teacher teaches slightly different, each teacher will communicate precisely how students are expected to behave in each activity. Consequences for misbehavior in the classroom are at the discretion of the teacher and are outlined under "The Teacher's Role in Discipline." When students are trying their best, this effort will be acknowledged by the teacher.

In the hall, gymnasium, cafeteria, courtyard, field or bus: Students will behave in a way that respects the physical safety and the emotional security of themselves and others. Therefore, no student will be allowed to run in the halls, courtyard, sidewalks, etc., or engage in cruel teasing.

Honor Level Management

At McIlvaigh Middle School we promote an environment that positively reinforces students who are doing well and through incentives encourages others to do well. Students who display good citizenship will be given special recognition and incentives.

McIlvaigh Middle School's Honor Level Behavior Management System is based on the premise that positive reinforcement is more powerful than negative reinforcement. The Honor Level System is comprised of four separate honor levels which are described below.

Honor Level One: In order for a student to be on Honor Level One, he/she must have a "clean slate" with no discipline referrals in the last two weeks. Honor Level One students will be recognized regularly with special privileges. Only Honor Level One students are eligible for the special Honor Level activities and rewards.

Honor Level Two: In order for a student to be on Honor Level Two, usually he/she may have no more than two referrals for detention, time out or other conduct-related referrals in the past two weeks. Students on Honor Level Two are not denied regular activities but they may not attend activities specifically designed for Honor Level One students.

Honor Level Three: A student is placed on Honor Level Three if he/she has received 3-4 referrals for detention or other rule violations in the last two weeks. Depending on the nature and frequency of the rule violations, students on Honor Level Three will usually be restricted from special school activities.

Honor Level Four: Students on Honor Level Four will have received more than four referrals for detention and/or other rule violations within a two week period. Students on Honor Level Four will be restricted from school activities and sports. They may be placed on probationary status if they remain on Honor Level Four for an extended period of time.

All students begin the year on Honor Level One. Students who do not remain on Honor Level One always have the opportunity to work their way to Honor Level One by observing all school rules and receiving no conduct-related referrals for at least two weeks. Students on levels lower than Honor Level One are consistently encouraged to "work their way up" to Honor Level One. Honor level lists will be posted regularly and incentives to move to Honor Level One are a tremendous motivator for all students.

Typical Honor Level One activities are: Ice cream bars, pizza, cinnamon rolls, extended lunches, early dismissal to school dances, student versus staff basketball or baseball games, egg hunts, etc.

Severe misbehavior: Most misbehavior will be dealt with by discussion or with mild consequences. For example, a student seen running in the hall will be required to go back and walk. However, there are three types of misbehavior that will result in the student being immediately sent to the office, parents being notified and perhaps other consequences. These three problems include any physically dangerous behavior (assault, fights and so on), any illegal act or open disrespect of a staff member. Everyone must recognize that dangerous behavior and disrespect will not be allowed.

III. The parent's role in discipline

Parents are encouraged to participate in the education of their children. Without the cooperation and support of parents, the school cannot effectively help a student reach his or her fullest potential. The major role of parents in discipline is to continually show the child that they are interested and supportive of how their child is doing in school. When the child sees that mom and dad are actively interested in whether or not he/she is doing his/her best, the student is given a real incentive to strive for excellence. Parents will be informed when their children are working to reach their fullest potential.

Parents may periodically be asked to support the teacher in helping the child to learn a particular skill such as independence, remembering homework, how to take responsibility for their own behavior or how to handle anger in a mature way. If parents are asked to help teach a skill of this type, the school staff will provide specific information on different ways to accomplish this goal.

If there is a severe or recurring problem, parents will be asked to help the school staff teach the student an alternative set of behaviors. In such a case, everyone must recognize that the goal is to help the child learn to get along in the school environment so the child can be successful when going on to high school and further education. By working together, parents and staff can help the student learn behaviors that will increase his/her chances of success.

IV. The teacher's role in discipline

The classroom teacher is the center of an effective school discipline policy. The teacher will continually emphasize to students and parents the importance of "Do your best and help others do their best." The teacher will help students to learn the school goals and will try to motivate students to reach the goals. The teacher will put more energy into reinforcing success than into trying to "control" behavior. When there is a behavioral problem (other than a "severe behavior"), the teacher will attempt to teach the student how to behave appropriately by referring to the goals.

If a procedure or set of procedures does not work to help the student improve behavior, the teacher will try something else. To help facilitate this, all McIlvaigh staff will strive to put more energy into encouraging student success than into punishing student failure.

V. *The administrator's role in discipline*

The role of the principal and assistant principal in discipline is three-fold. First to help monitor, revise and up-date the discipline policies and procedures. Second, to help staff implement classroom management and school management techniques. Third, to assist staff with handling severe misbehavior such as physically dangerous situations, flagrant disrespect of adult authority and any chronic and recurring problems by implemeneting isolation or other severe consequences.

It is not possible for the administrative staff to accept discipline referrals for minor problems. If minor problems are referred to the office, students soon learn that being referred to the office is "no big deal." To maintain potential effectiveness of office referrals, they must be used only for severe or recurring problems.

VI. *Other staff*

Every staff person in the school is an equal and contributing part of the discipline policy and procedures. Students should treat all adults with respect and all adults have the right to implement consequences for infractions of school rules. Staff members are encouraged to positively recognize students through our Student Recognition programs.

VII. *Discipline as an on-going process*

Everyone connected with the school must understand that discipline is a process not a product. This policy will not insure school discipline, but will only help facilitate the process. Staff must work together to achieve as much consistency as possible and must be prepared to revise and adapt the procedures when they are ineffective. Yearly review: at the beginning, middle or end of each year or as needed, there will be a review of the discipline policies and procedures.

Model III

Pomona High School

Pomona High School is located in Los Angeles County, California.

POMONA HIGH SCHOOL

STUDENT CONDUCT AND DISCIPLINE

Pomona High School is a reflection of the attitudes, values, and behavior of our students. The school is best represented by students whose behavior reflects respect for themselves, others, and personal and school property.

POMONA HIGH SCHOOL STUDENT RESPONSIBILITIES

1. Attend school regularly.
2. Be on time to school and to all classes.
3. Be respectful and follow staff directions.
4. Respect other students.
5. Use appropriate language; profanity or vulgar language is unacceptable.
6. Bring required materials to class each day.
7. Complete classwork and homework on time.
8. Students shall dress appropriately for school.
9. Take pride in your school; keep the campus free of litter and respect the value of school property.
10. Abide by all school rules and regulations.

POMONA HIGH SCHOOL RULES AND REGULATIONS

CLOSED CAMPUS

Students may not leave campus during lunch unless an authorized lunch pass has been issued or an off campus pass for medical appointment has been obtained from the Attendance Office prior to leaving.

LOITERING

Students are encouraged to leave campus at the end of the day. Loitering across the street or an adjacent street corner is not permitted. Pomona High School students are not to be on the campus of other schools during the regular school day.

FIRES, FIRECRACKERS

Any student who is guilty of deliberately setting a fire, igniting or possessing firecrackers or explosives, or of setting a false fire alarm may be suspended from school for up to five days. Parent conference, police contact, or referral to Guidance Committee for consideration of transfer to Alternative School placement may result and student may be referred to Fire Investigators for counseling.

RADIOS, VIDEO GAMES, TAPE PLAYERS/RECORDERS, SKATEBOARDS, BEEPERS (PAGING DEVICES)

Items are not permitted on campus and will be confiscated immediately and returned only after parent contact by an Assistant Principal.

STUDENT CARS, MOPEDS, & MOTORCYCLES

Vehicles are to be parked in designated student parking lot which is off-limits to students during the school day. Reckless driving or failure to follow instructions regarding vehicular use will result in revocation of privileges to operate motor vehicles on school grounds.

INSUBORDINATION/DEFIANCE OF SCHOOL AUTHORITY

Blatant refusal to follow reasonable direction by school official or refusing to identify self when requested by adult is subject to suspension from school and/or work detention. Repeated incidents of insubordination may result in referral to PHS Guidance Committee for consideration of a transfer to another high school.

TARDY POLICY

Students who are 10 minutes late to 1st period, or 5 minutes late to all other periods, must report to the Attendance Office for a cut slip before reporting to their classroom.

CHEATING

Whenever a student is guilty of cheating, the teacher shall collect the student's paper, issue an F grade for the work, and notify the parent and office of action taken. The parent shall be notified that a second offense will result in suspension from school.

CLOSED CAMPUS/LUNCH PASS

Pomona High will observe a CLOSED CAMPUS during the 1990-91 school year. Lunch passes will only be issued to those students whose parents come to the school and sign the necessary papers.

Please be advised that lunch passes are only valid for one semester and therefore must be renewed at the start of each semester. Students must carry their lunch passes every day they wish to leave campus for lunch and show their pass to the proctor or administrator at the gate. No student will be allowed to leave campus without first showing their pass. Students will only be allowed to exit through the student parking lot.

Students who return to school late from lunch without written approval from parents will be subject to a verbal warning (for first offense) and semester loss of their lunch pass (for the second offense).

ATHLETIC ELIGIBILITY AND REQUIREMENTS

Students must be academically eligible to participate in athletics. The student-athlete in the previous grading period of six weeks must have a minimum of a 2.00 overall grade point average. In addition, no more than five (5) credits of "F" grade may be present.

1. Have a current complete physical examination card and emergency medical release on file.
2. Verify individual personal insurance or purchase school insurance from the student store.
3. Purchase an A.S.B. card by first league game.
4. General rules for student-athlete signed by the student-athlete and parents
5. Documentation pertaining to student eligibility such as physical examination cards, insurance forms, etc. must be turned in prior to a student participating or practicing with a team.
6. Books, clubs, athletic equipment obligation must be in good standing.
7. Pomona High School student athletes are required to obey all school rules.
8. All incoming 9th graders planning to participate in extracurricular and co-curricular activities will be granted an academic probationary period. This probationary period will extend from the beginning of school until the conclusion of the first six week grading period. At the end of that grading period all 9th grade students must have a 2.00 G.P.A. and no more than one "F" to be eligible.
9. Only the six week progress report cards will be used for athletic eligibility.

Student athletes are reminded that they must be in attendance in their classes during the day of an athletic contest. Normal school procedures requesting early dismissal and/or release time for doctor appointments must be adhered to.

BEST COPY AVAILABLE

DAMAGED OR LOST SCHOOL PROPERTY

The student is responsible for school property issued to him or her. Charges will be made for any lost or damaged textbooks or instructional materials. Report any stolen property to the School Police Officer as soon as possible.

STUDENT STORE

The student store is located next to room 1. Here you may purchase paper, pencils, pens, shop cards, notebooks, folders, P.E. suits, annuals, pictures, and other items sold by the A.S.B. Hours of operation for student use: Before School, Break, Lunch, After School

CAREER EDUCATION CENTER

The Career Center assists students with information about Vocational/Career Guidance, Work Experience, Regional Occupation Program (R.O.P.), and other special career-related activities. The Computer Guidance Information System (G.I.S.), a comprehensive library of current college catalogs, and weekly scheduled representatives from local universities provide our students invaluable information in planning their postgraduate activities.

Work Permits are reserved through this office, in addition to part-time employment leads and information regarding job-seeking skills. The Career Center is located in room 19.

HOMEWORK

The Pomona Unified School District Homework Policy requires that all teachers assign homework.

Students can expect to spend a minimum of 150 minutes per week per academic subject on homework assignments. Homework assignments offer students an opportunity for increased cooperation between school and home.

Parents share a responsibility in helping their student with homework by 1) expecting their student to have and complete homework assignments, 2) maintaining a set time and place to work on homework assignments, and 3) establishing a quiet atmosphere for study.

VISITORS

All visitors must report to the Main Office in the Administration Building. Those visitors without clearance will be subject to arrest for trespassing.

NO SMOKING ON SCHOOL GROUNDS

According to California law, Senate Bill 4805, students are not permitted to smoke tobacco on school grounds. Violation of the above stated ordinance will result in parent contact, assignment of work detention and/or suspension from school.

LIBRARY

The library is open from 7:00 a.m. to 3:00 p.m. Students are encouraged to use the library as much as possible. From time to time it may be desirable for a student to visit the library during class time to do research. In such cases, the student should first get permission from their classroom teacher, and then, upon entering the library, inform the librarian about his/her particular need.

Students are required to have their identification card each time they desire to check out books/materials from the library. No books will be checked out to any students without his/her identification card. All library and textbooks are checked out to students on the new computerized system.

STUDENT DRESS AND GROOMING

The staff of Pomona High School recognizes its obligation to provide an educational environment which will prepare students for successful and productive adult lives. Standards of dress and grooming were established to afford maximum freedom to the individual while assuring appropriate student attire and a safe and orderly campus.

While on campus or any school-sponsored event, students shall be dressed and groomed in a manner which reflects good taste and decency and will not detract from or interfere with the educational environment, instructional progress, or the health and safety of Pomona High School students and staff.

The following student dress and grooming codes will be in affect for the 1990-91 school year:

1. Footwear must be worn. Leather shoes, sandals, tennis shoes, and boots are acceptable. Bedroom slippers are not.

2. Articles of clothing advertising alcohol, tobacco, or drugs or establishments that sell them are not permitted.

3. Clothing with writing or lettering which is judged to be obscene, inappropriate, or which may create a campus disturbance will not be permitted.

4. Wearing of hats, "rags", shoelaces, belts, or other items of attire reflecting or seen as reflecting non-school sponsored club or gang affiliation will not be permitted on campus.

5. Hats, hairnets, and rollers are not to be worn on campus.

6. Garments judged to be revealing as to be disruptive to the educational process will not be permitted.

7. Any attire judged to be a classroom or campus distraction or judged to be hazardous or inappropriate will not be allowed.

No list of dress guidelines for students can be written that will anticipate potential dress and grooming extremes. For the vast majority of students, a statement calling for a neat, well-groomed appearance appropriate for school attendance would be sufficient. In case of questionable dress, the site administrator will make the final decision. Appropriate action and parental contact will be made prior to any student suspensions.

I.D. AND A.S.B. CARDS

Each student at Pomona High School will receive an I.D. card. This card must be carried at all times while on campus. This card will enable the student to identify himself/herself when requested by an adult and also to check out needed materials from the library.

An A.S.B. sticker may be purchased for $15.00 to place on the I.D. card. An A.S.B. card entitles the owner to free admission to all home games and reduced admission to all away football and basketball games.

Trading or exchanging I.D./A.S.B. cards with other students may result in the loss of the I.D./A.S.B. card and the corresponding privileges that go along with them.

DISCIPLINE PRACTICES AND PROCEDURES

According to the California Education Code, Section 48900, a pupil may be suspended from school and/or recommended for expulsion for any behavior listed below:

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

d) Unlawfully offered, arranged or negotiated to sell any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

e) Committed robbery or extortion.

f) Caused or attempted to cause damage to school property or private property.

g) Stole or attempted to steal school property or private property.

h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by pupil of his or her own prescription products.

i) Committed an obscene act or engaged in habitual profanity or vulgarity.

j) Unlawfully offered, arranged or negotiated to sell any drug paraphernalia, as described in section 11364 of the Health and Safety Code.

k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

PROFANITY
Profane or vulgar language toward a staff member or other students is not accepted at any time and may result in suspension and/or detention.

FIGHTING
Any student involved in a fight will be suspended from school for a period of not less than one day and not more than five days unless it can be shown that his/her actions were only in self defense. Repeated incidents of fighting may result in alternative school placement.

TOBACCO/ALCOHOL/NARCOTICS
Students are not permitted to use or possess tobacco on the school grounds.
Use, possession or under the influence of any alcoholic beverage on campus or any school sponsored function will result in a five day suspension. Repeated incidents of alcoholic usage may result in an alternative school placement.
Possession, use, under the influence or selling of drugs on the school grounds or immediate area of a public school is prohibited. Police will be summoned; student suspended and recommendation for possible expulsion may be considered. A minor found guilty of a civil misdemeanor is punishable for first offense by fine not to exceed $200. The second and each subsequent conviction may result in incarceration.

FIRE ARMS/WEAPONS
Possession of a weapon, unprovoked attack or assault on any school employee, flagrant vandalism, robbery or burglary involving school property or private property is prohibited by law. Police will be summoned, the student suspended, referral to Guidance Committee for possible alternative school placement will be made.

GRAFFITI
Please use standard English writing for all classroom assignments. Writing or drawing on school materials other than on assignments made by teachers is not appropriate. Graffiti of any kind will result in warning and suspension where appropriate. Graffiti which requires replacement of materials or equipment will be charged to the student and the student's parents. City Ordinances 16-9 and 16-10 make it a misdemeanor for anyone under the age of 18 to be in possession of marking pens, spray cans, and glass-etching tools.

REFERENCES

1. Quigley, C. N., Rosen, L., Hulsizer, M., *Drugs in the Schools*, Second Edition. Calabasas, California: The Center for Civic Education, 1989.

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"A cat killer? Is that the face of a cat killer? Cat chaser maybe. But hey—who isn't?"

2 The Need for Consequences for Misbehavior

Because schools are populated by groups of students assembled under crowded conditions for relatively long periods of time, there will always be students who choose to misbehave. Misbehavior is defined as the inability to abide by the rules established by the authorities in charge. Authorities are given the power to establish rules by contract from local school boards or other state agencies. Specific limitations of their authority are implied in state and local laws.

This text is intended as a manual for practicing school administrators and thereby contains no justification for authority. The practitioners for whom this manual is intended have both the authority and the responsibility to control the schools. Controlling schools is not a simple task and has many kinds of answers. This chapter is intended to provide an outline of the various kinds of choices commonly used by school administrators to help control their schools. The choices described are common consequences used by school administrators for student misbehavior.

The importance of having consequences for misbehavior cannot be over-emphasized. When human beings commit an offense against the rules of the family or the rules of society, they expect consequences. Basic tenets of psychology indicate that when there are no consequences for misbehavior there are no opportunities to expiate guilt. This could result in more serious offenses.

Consequences for student misbehavior can divided into three difference categories: consequences for violating classroom rules, consequences for violating campus rules, and consequences for violating state and local laws. The consequences for violating classroom rules usually fall under the jurisdiction of the teacher. Consequences for failing to abide by state and local laws are usually the responsibility of law enforcement, the courts, child welfare workers, or other community workers. Although administrators in charge of discipline may be involved in classroom discipline or crimes against the community, their primary responsibility is campus discipline and control.

For secondary school students, misbehavior nearly always is the result of a poor choice on the part of the student. The school has the obligation as an institution of learning, to help students make correct choices. A wise and experienced school disciplinarian once said, "There may be a reason for your misbehavior but there is no excuse for it."

School administrators have the responsibility for seeing to it that no one has the right to disrupt the teaching/learning process. School administrators also have the responsibility as educators to teach students that disruption of the educational process will not be tolerated.

Because of their responsibility as protectors of the teaching/learning process, school administrators often apply different consequences as remedies and reminders to students who have trouble with school rules and regulations. The kind of consequence chosen by the administrator may depend on the past history of the student and on special circumstances. Good records are always an important part of good school administration. A sample student referral record sheet is included on the following page (Form 1).

The experienced administrator has also learned the value of analyzing student referral records at the end of each school year. A year end summary sheet can help to summarize the most common kinds of discipline offenses that occurred during the school year and the actions taken. A sample year end summary sheet has been also been included for your review (Form 2).

Record of Discipline Referral

School Year: _____ **Name of School:** _____

Student: _____

Grade: _____

Date	Rule Infraction	Action Taken

Form 1

DISCIPLINE YEAR-END SUMMARY SHEET

Number of referrals for violation of classroom rules: _____

Names of teachers who most commonly referred students for violation of classroom rules: _____

_____

Number of referrals for violation of school rules and regulations: _____

Number of students suspended for fighting: _____

Number of students suspended for smoking on campus: _____

Number of students suspended for possession or use of marijuana or paraphanalia: _____

Number of students suspended for possession or use of alcohol on school grounds: _____

Number of students suspended for possession or use of alcohol during school sponsored events: _____

Number of students suspended or expelled for use of cocaine, heroin, or other "hard drugs": _____

Number of students suspended for insubordination: _____

Number of students suspended for leaving campus without permission: _____

Number of students suspended for non-school attendance: _____

Number of students expelled for assault, drug sales, weapons possession, or other serious offenses: _____

During what time of year did most of the suspensions or expulsions occur? _____

At what grade level did most of the offenses occur? _____

Is there any racial or ethnic pattern to the students referred to the office for disciplinary reasons? _____

How many times were cases referred to law enforcement agencies? _____

What types of cases were referred to law-enforcement agencies? _____

_____

Kinds of consequences used by school administrators for school misbehavior follow a pattern. The pattern varies from verbal reprimands for minor infractions to expulsion from the school district for major offenses. A description of common consequences used by school administrators for school misbehavior are listed below. It is important to note that the list of possible consequences is applicable for students who want to attend school. The at-risk student needs an entirely different menu of consequences which need to be addressed in a separate text. The consequences listed on the following pages are used by school administrators for 95% of the students who attend their schools.

The Verbal Reprimand

The verbal reprimand is a common consequence used by both parents and school administrators. In most cases, the verbal reprimand is a reminder for some minor indiscretion. The minor infraction could become a major infraction if the reprimand were not applied by an interested person. For example, throwing rocks may seem minor to some people, but obviously it could cause major harm if not stopped. Someone needs to tell the rock-thrower to stop his action or someone will be seriously hurt. The statement to stop throwing rocks could be interpreted as scolding and yet there are few people who would find it offensive.

Most students need and expect to be scolded for things they have done wrong. Obviously everyone does something wrong at various times during their lives and scolding done within reason and appropriate to the offense places appropriate guilt upon the ego. Students know they shouldn't throw things at other students, they shouldn't crowd into line, and they shouldn't talk when the teacher is trying to talk. They may need to be reminded that four-letter words yelled in a hallway are offensive to some people. They may also need to be reminded that littering violates rules of neatness and cleanliness. Scolding is a quick and easy way to remind students that they are doing or have done something wrong.

Nagging is different than scolding. Nagging focuses on one action to the extent that the words soon become meaningless. Students subjected to nagging behavior at home may not respond to scolding at school. Words may simply not do the job. Nagging is scolding turned sour and may cause a reverse reaction on the listener. While good school administrators have found that scolding works with the average student, they always have a list of consequences available to get the attention of the student who is numb to mere words.

Good scolding techniques are an art. Some school administrators have developed methods that are actually fun to use. Developing your "scolding style" takes time and must suit your personality. It helps if you can laugh at yourself once in a while.

Establishing some criteria when it becomes necessary to confront a student who has committed an offense may be helpful. Good verbal reprimands should:

Have a clear goal. It should not be so general as to be meaningless. Phrases like "behave yourself", or "try to be good", should be avoided. Focus on the specific behavior you want to achieve in the student. Don't be afraid to use guilt if it is appropriate.

Focus on issues, not extraneous factors. The fact that the student does not like the teacher or another student, or that he is bored, is not the issue. The issue is the inappropriate behavior exhibited. Don't let the student pull you away from your focus.

Be firm. Make it clear how disturbed you are with the inappropriate behavior. Look the student in the eye and make it clear that this is behavior that will not be tolerated.

Set clear consequences if the behavior should continue. Be sure that action threatened can be executed.

Counseling

Counseling has a completely different set of objectives than verbal reprimands. While reprimands are highly verbal and directive, counseling is student-centered. Good counselors are primarily good listeners. Their purpose is to help the student clarify his/her goal and to assist the student in determining if the behavior is leading to the successful completion of desired objectives. The good counselor is able to sort out insignificant issues and listen for the real underlying problems. Good counselors establish a helping relationship with the people they are counseling.

School administrators have a unique opportunity to act as counselors in a school setting. Oftentimes, they are involved with students who are in a crisis situation and therefore open to counseling. In a counseling situation, the school administrator becomes less of an authority figure and more of a wise adult, willing to provide guidance and suggestions.

Counseling Styles -

Many good counseling strategies are what good parents in previous generations used to do over milk and cookies. It is obvious that many parents are not able to spend as much time with their children as they would like to due to work schedules and other responsibilities. As a result, other significant adults may have to help assume the role of listener. The good listener offers more than just a set of ears. A good listener responds in ways that demonstrate a caring relationship.

A number of counseling styles have been adopted by school personnel over the years. These styles enable the counselor to apply a listening and attention technique which may help clarify the student's concerns. Three of the most commonly used counseling styles are described below:

Nondirective counseling: Nondirective counseling was developed by Carl Rogers and requires that the counselor listen for significant thoughts and then repeat them for clarification. It is more difficult than it sounds and requires close attention on the part of the counselor. The statement repetition encourages the student to maintain a train of thought and helps with clarity.[1]

Encounter counseling: Encounter counseling was developed by Frederic Perls and is much more intense than an administrator can hope to achieve as an educator. There are elements of the technique, however, which can be applied and understood by the school administrator and which can be helpful in dealing with students and even teachers. A good counselor/administrator recognizes, for instance, that most tears are expressions of anger and instead of feeling sorry for a tearful student may inquire about the source of the anger. Recognizing when a student is expressing shame or intense guilt about something and encouraging confrontation of the problem by talking about it can also be helpful. Much of the technique requires listening for feelings rather than words. Encounter counseling recognizes the importance of watching the student's gestures, sitting position, and overall physical bearing, as clues to feelings. Identifying the correct feeling being expressed is often difficult and may require a professional therapist. A good administrator knows his limits as a counselor.[2]

Control theory: Control theory was developed by William Glasser and can be a positive teaching and counseling tool for school administrators. Control theory states that schools must help youth understand that, good or bad, most of what people do with their lives is their own choice. They are really in control of their destiny and they must stop blaming others and begin to take responsi-bility for what happens to them. Schools need to recognize that basic human needs of students include survival, belonging, power, freedom, and fun. School administrators can help students recognize that school is a place where these needs can be satisfied.[3]

Using the Student Interview Sheet

Many administrators have found that having a student complete a student interview sheet is a helpful counseling tool. It may also serve as a "timeout" activity where the student has a chance to think about what has happened. It often provides a "cooling off" stage for the angry student. The information section of the interview sheet can provide useful insight into how the student views the incident involved. A sample student interview form is provided on the following page (Form 3).

Student Interview Form

Name of Student: _____

Date: _____ Time: _____

Explain the reason you are in the office. _____

_____

_____

If you were sent to the office by a teacher, counselor, administrator, or other adult for violation of school or classroom rules, write a short paragraph explaining your side of the story.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

What would you like to happen as a result of your meeting with a school administrator?

_____

_____

_____

_____

Parent Involvement

Parents are often the key to turning around student misbehavior. They are usually, but not always, the closest personal contacts of the student and therefore provide the most leverage in terms of correcting misbehavior. There are no short cuts to making parental contacts. Because parents often work, arranging a time for parents to come and meet with teachers, counselors, and administrators is often a difficult and time-consuming task. Current statistics indicate that the number of single-parent households grew nearly 15% in the late 1980's, making single-parent households 26% of the total. This obviously has an effect on the availability of parents to meet with teachers or school administrators. It is, however, essential for parents to be notified of any problem with their child. They are the persons ultimately responsible for the child and deserve to know what is happening.

Parent notification is often crucial to successful resolution of a problem. Because so many parents work it may be necessary to call them at night so administrators should always have a separate computer list of student telephone numbers and parent names at home. A sample parent contact form (Form 4) is included on page 37.

Experienced administrators have learned that there are a number of do's and don'ts for parent conferences. The list includes:

- **Do** meet with the parent(s) separately from the student.
  Don't place the parent(s) in a position where they need to defend the student's actions in order to save face.
- **Do** give the parent(s) ample time to react to what has happened.
  Don't try to bully the parent(s) into being ashamed or guilty for the student's behavior.
- **Do** help the parent(s) to separate how the student's behavior may be different at school than it is at home.
  Don't assume the parent(s) know how the student acts at school.
- **Do** try to help the parent(s) understand how the school works and what the procedures are when students break school rules.
  Don't assume that parents understand fundamentals of education.
- **Do** assist the parent(s) in seeking outside help if necessary.
  Don't make it seem that you have all the answers.
- **Do** be courteous and patient.
  Don't make the parent(s) feel that you are short on time even if you are.

- **Do** make your expectations regarding student behavior clear and easy to understand.
  Don't be fuzzy about your expectations.
- **Do** make your follow-up procedures clear.
  Don't make it sound like this is only a one-time occurrence.

PARENT CONTACT FORM

Name of Student: _____

Name of Parent: _____

Relationship of Parent to Student: _____

Telephone Number: _____ _____
Home Work

Reason for Call: _____

_____

_____

_____

Date of Call: _____ Time of Call: _____

Date of Call: _____ Time of Call: _____

Date of Call: _____ Time of Call: _____

Confirmation Letter Sent: Date _____

Appointment set for: Date _____ Time _____

Conference held on: Date _____ Time _____

Brief summary of conference: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Daily and Weekly Reports

Some students need to establish a baseline for good attendance and correct behavior. They need to establish the baseline one step at a time over a short period of time prior to attempting any long term contract. The short term contract can be established for a daily or weekly period of time. After the student has accomplished the short term contract, a contract covering a longer period of time can be attempted.

Teachers need to receive verbal praise from the school administrator for taking time to complete the daily assignment log and the weekly behavior report. Obviously this is an extra but necessary responsibility for busy teachers.

Daily and Weekly Assignment and Behavior Logs are especially popular with parents. They like to see what their child was supposed to accomplish each day and week and whether the teacher believed the assignments were done correctly. The Log also helps them evaluate the degree to which their child's behavior has improved.

A sample Daily Assignment Log and a Weekly Behavior Contract are included: (Form 5 on page 39, and Form 6 on page 40).

DAILY ASSIGNMENT LOG

NAME: _____ SCHOOL: _____

DATE: _____ GRADE: _____

ASSIGNMENTS	TEACHER INITIALS (When assignment is recorded properly)
SUBJECT _____	★
SUBJECT _____	★
SUBJECT _____	★
SUBJECT _____	★
SUBJECT _____	★
SUBJECT _____	★

DIRECTIONS:

Students:
1. Record assignments
2. Give log to teacher to initial at end of period
3. Take log home
4. Do homework

Parents:
1. Supply student with new form each day.
2. Check to make sure assignments are completed.

WEEKLY BEHAVIOR CONTRACT

NAME: _____ SCHOOL: _____

DATE: _____ GRADE: _____

POSITIVE BEHAVIORS

_____

_____

_____

CLASS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
PARENT'S INITIALS					

Total points per day ☐ ☐ ☐ ☐ ☐

Total points per week ☐

DIRECTIONS:

Teachers: Put S (Satisfactory - 10 points), N (Needs improvement - 5 points), or U (Unsatisfactory - 0 points) for each class.

Parents: Initial the contract each day to indicate it was reviewed with the student.

____ Points per day earn _____

____ Points per week earn _____

Student Signature _____

Teacher/Counselor Signature _____

Student Contracts

Student contracts are another effective tool available to school administrators. Student contracts are like any other kind of contract in that they are only as effective as the person signing them. The person may sign the contract in good faith but things can happen which alter the contractees perception of his responsibilities under the contract. At the very least, student contracts are attention getting devices for both students and parents. A sample of a suggested student contract is included on the next page (Form 7).

[NAME AND ADDRESS OF SCHOOL]

DATE _____

TO: _____
Name of School

FROM: _____ **GRADE:** _____
Name of Student

SUBJECT: STUDENT CONTRACT FOR CODE OF CONDUCT

In consideration of my being permitted to attend _____
Name of School
_____, I will, to the best of my ability, live up to the agreement below:

1. Be at school every day, be on time to my classes, stay on school grounds, have no truancies from school or classes.
2. Do all class and homework assigned, to make satisfactory marks.
3. Cooperate with other students and teachers in every way.
4. Try to improve my attitude.
5. Stay out of fights.
6. Not smoke or use any type of tobacco on the school grounds.
7. Conduct myself in such a manner that I will be a credit to my school, my home, and myself.
8. Stay away from other schools.
9. _____
10. _____

I understand that I have the rights and privileges of any other pupil enrolled at _____, as long as I maintain this agreement.
Name of School
Violation of this agreement can result in the cancellation of my enrollment at:
_____.
Name of School

_____ _____
Student's Signature Parent's Signature

_____
Administrator's Signature

FORM 7

Apologies

Written or spoken apologies for offenses against a person or a group of people can be effective as a consequence because of the position in which it places the apologist. Remember, the word apology can mean either a defense or an acknowledgment of a misdeed. It is a substitute justification for the correct behavior or thing. In the process of making that justification, the student is in an inferior position that he does not want to be in again. This is especially true for adolescents. That is why having a student apologize works in so many cases. Apologies can be in writing or in person. There is definitely something to be said for apologies in person, because it is in the face to face contact with the person or persons offended that acceptance and forgiveness occurs. Hopefully, the offended person or persons understand the importance of accepting an apology when offered.

Loss of Privileges

Loss of privileges is one of the most common consequences used by parents for misbehavior. The idea is that you earn certain privileges because of status, age, effort, or position in the family. Your inability to perform responsibly means that you lose some of those privileges until such time as your behavior is within the limits set by those in authority or by the community at large.

It is important for school administrators to identify correctly the exact privileges a student has when he comes to school. The list should include:

- school attendance
- school social events
- extra curricular activities
- graduation exercises
- awards of excellence or achievement

Obviously, the loss of the privilege of school attendance is the most serious loss and should not be taken lightly or capriciously. It should be reserved for only the most severe cases where the student is a danger to himself/herself, to others, or where all other consequences have failed to get his/her attention.

Demerits

At one time the use of a demerit system was a common consequence used by school administrators. In this system students enrolled in a school are automatically given a certain number of merits at the beginning of the school year. Demerits are given for certain violations of rules and are deducted from the total. If the student falls below a certain number he/she is called into the office and warned. If deductions continue to occur a series of consequences are awarded by the dean of students or assistant principal in charge of discipline. Perhaps the best reason demerit systems no longer exist in many schools is the bookkeeping involved. Although computers make keeping track of demerits easier, many administrators feel there are other consequences that work better. The demerit system can be a very effective tool and deserves consideration by school administrators.

Assignment to After-School Detention

After-school detention is one of oldest and most commonly used consequences for student misbehavior. It is also one of the most effective means of deterring a problem without denying the student his/her privileges. Many teachers will use after school detention without informing administrators. Many teachers believe that since the student took time from the classroom without permission, he/she owes the teacher an equivalent amount of time from his/her personal time.

Assignment to Saturday School

Assignment to Saturday school has proven to be a very effective means of preventing suspension. It is also an excellent means for school districts to recoup some of the loss in revenue resulting from truancies and suspensions. The savings in average daily attendance revenue will more than make up for the cost of a teacher to conduct Saturday classes. Care must be taken that students assigned to Saturday classes have something worthwhile to do. Saturday school classes should be held in an environment suitable for many kinds of learning. Studies of school programs using Saturday schools have demonstrated that the grades of students assigned to this program improve over those suspended from class for misbehavior or non-attendance.[4]

Assignment to School Service

Assignment to school service is a common technique used by some school administrators to catch the attention of misbehaving students without causing them to miss class time. School service also provides positive assistance to the campus as a whole. Care should be taken to not assign school service without parental permission. In some states school service is considered custodial and therefore not appropriate. In most states, if the administrator receives permission from the parent to assign school service, there is not a problem. School service can include picking up papers, washing down walls, sweeping walkways, or cleaning blackboards. Students should never be assigned details which could be harmful to their safety or health.

Suspension from the Class Where the Offense Occurred

A temporary suspension from the class where the offense occurred may provide an opportunity for the student to understand just how serious the consequences may be if the misbehavior continues. For academic students, the loss of a class can result in loss of credits toward graduation and in some cases, the loss of a college entrance requirement. Most students prefer to be in their regular classes regardless of what they may say about not liking the teacher or the class. Temporary class suspension is another good attention-getting device but should only be used when other means have failed.

The problem with temporary class suspension is that, although conscientious teachers usually assign class work to the temporarily absent student, the student may still fall behind. There is also the problem of where you put the suspended student while he/she is suspended and who supervises him/her.

Some schools are fortunate enough to have funding for an opportunity class during the school day. Some schools send all suspensions and even students who are tardy for more than five minutes to the opportunity class. The cost of the salary of the opportunity class teacher is the main obstacle for most school districts. Some of the cost for the teacher can be recouped from increased revenue from the state due to increased average daily attendance.

Removal from a Class

There are times when removal from class is expedient for the both the student and the teacher. It is often done in order to prevent a more serious problem. Removal from class may be because of a student and teacher conflict,

because the student is completely lost in the subject matter, or because the student is failing so badly that there is loss of interest in that particular class. Removal from class is another consequence that should be applied only in rare circumstances. Teachers should be consulted prior to any action taken.

Suspension from School for a Specified Number of Days

Suspension from school is probably the most abused consequence administered by most school administrators. Most states have clear descriptions in their education codes relating to student suspension. Every good administrator is very familiar with state education codes relating to student suspension and expulsion. Suspension from school is appropriate when all other means have failed to get the student's attention. It is a last resort. Too often suspension is automatic for certain offenses, e.g. smoking on campus, fighting, leaving campus without permission, etc.

There are many alternatives to out-of-school suspension including Saturday School, school service, removal of school privileges, after school suspension, opportunity classes, etc. Many schools have found that alternatives to out-of-school suspension are just as effective and do not allow the student the free time that out of school suspension provides. Oftentimes out-of-school suspension is assigned because it is a lock step consequence that students understand. Sometimes it is assigned to satisfy teacher critics.

The best case for out-of-school suspension is when suspension is assigned for the personal safety of other students on campus or for the safety of the suspendee. This may occur for any number of reasons but examples are for health reasons (contagious disease); because of a threat to a student's person; or while the school board is considering expulsion for drug sales, weapons, or assault.

Court Referral for Non-School Attendance

By law, all students between the ages of 6 and 18 years of age must attend school. Some students are exempted from full time attendance, but some type of school attendance must be demonstrated. Absenteeism is a major concern in many schools. In many states school funding is determined by daily attendance records. The records allow school districts to track and aggressively intervene when students become habitual truants.

If students are absent from school without a valid excuse for more than three days or tardy for more than 30 minutes daily for three days in one school year they are frequently labeled habitual truants. Habitual truants are usually

reported to some type of school attendance officer or board of attendance. In addition, the school district must notify the students' parents or guardians of the truancy, the obligation to compel the student's attendance at school, and the consequence for the failure to meet the obligation. Staff has an obligation to meet with the student and his parents and to make every effort to encourage regular school attendance.

The student who still remains absent from school on a regular basis, and that student's parent(s), may be reported to either the court system or an attendance review board at the city or county level. The court can assign the student to a probation officer or actually place the student in a group home. Parents can be fined for not complying with a court order. Many communities have an interagency network which deals with truancy. The interagency network may be composed of a school attendance officer, a social worker, a probation officer, a law-enforcement officer, and a representative from the juvenile court system. The interagency council may meet monthly to consider serious habitual truants and what action can be taken.

Recommended Expulsion from the School District

This is obviously a very serious recommendation. Most administrators only recommend expulsion when the student has committed an act that could be dangerous to other students or staff members, or has committed an act of extreme damage to the school facility. This would include weapons possession, selling drugs, assault, extortion, robbery, or destruction of school property. Most states have clear legal descriptions describing when a student may be suspended or expelled from school. California's Education Code Section 48900 is included on the following page as an example. Administrators should have ready access to their state codes relating to suspension and expulsion.

California Education Code

Section 48900

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

(a) Caused, attempted to cause, or threatened to cause physical injury to another person.

(b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, alcoholic beverage, or intoxicant of any kind.

(d) Unlawfully offered or arranged or negotiated to sell any controlled substance as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.

(e) Committed robbery or extortion.

(f) Caused or attempted to cause damage to school property or private property.

(g) Stolen or attempted to steal school property or private property.

(h) Possessed or used tobacco, except as provided in Section 48901.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(j) Had unlawful possession of or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11364 of the Health and Safety Code.

(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

No pupil shall be suspended or expelled for any of the acts enumerated unless such act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which occur at anytime, including but not limited to, any of the following:

(1) While on school grounds.
(2) While going to or coming from school.
(3) During the lunch period, whether on or off the campus.
(4) During, or while going to or coming from, a school sponsored activity.

It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

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1. Rogers, Carl F., *Client-Centered Therapy.* Boston: Houghton Mifflin Co., 1951.

2. Perls, F.S., *Ego, Hunger and Aggression.* New York: Vintage Books, 1969.

3. Glasser, William, *Control Theory in the Classroom.* New York: Harper and Row.

4. Duke, Daniel L., "School Organization, Leadership, and Student Behavior" in *Student Discipline Strategies*, New York, State University of New York Press, 1990.

POGO

Walt Kelly

FIRST THING US DO IN THIS SCHOOL IS TEACH YOU KIDS ALL ABOUT BROTHERLY LOVE.
- AND SISTERLY.
AN' MOTHERLY
BROTHERLY LOVE IS THE GRADE A NUMBER ONE HOT DOG ITEM IN ALL THE WORL'.
-YESSOP
HEY. WHAT HAPPENED TO THAT OL' BROTHERLY LOVE?
I'LL BOTTLE THAT RIGHT NOW — I IS A OWL - IS YOU A OWL, LIL' SHORT TAIL 'TAD?
NOPE. I IS A RACKETY COON.
THEN US ISN'T BROTHERS ---
-- ROWR!
SPARE THAT CHILD - SPOIL THAT ROD - TOTE THAT BARGE.
DON'T LAYEUP THAT YOUNG UN - HE JES' A STUDENT.
HAVE CHARITY! TEACHERS SHOULD WORK FOR REAL UNDERSTANDIN'
I GOT UNDERSTANDIN' -AN I IS WORKIN' FO' CHARITY - COME HERE YOU LIL' VARMINT.
OOP!
NOW, AS I WAS SAYIN', WHY SHOULD US FIGHT AMONGST OURSELVES? WE IS ALL NATURE'S CREATURES

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3 The Need for Conflict Management

Conflict is costly in time, money, quality of life, and morale, yet no institution or relationship is free of it. Conflicts occur regularly between family members, divorcing couples, business partners, neighbors, co-workers, labor and management, and others. According to an American Management Association survey, over 25% of a manager's time is devoted to resolving disputes.

The results of a recent study conducted by the United States Center for Disease Control showed that about 8% of all high school students have been in a fight that resulted in an injury requiring medical attention during any one calendar month. The figure goes up to 12% if you only consider male students. Even more alarming is the fear that the fighting in many cases may result in homicides. Homicide remains the second leading cause of death for persons between the ages of 15 to 24.[1] Reasons for the increase in fighting are unclear, but today's school administrators will be among the first to testify to the increase in the use of fighting as a means of settling disputes.

Ways to stop and prevent fights have become an important and time-consuming task of the school administrator. Fortunately there are many more persons trained in conflict management and dispute resolution than in former years. Administrators need to take advantage of much of what the experts are saying about strategies to help students solve disputes. Many schools have contracted with experts and groups that teach conflict management and dispute resolution skills.[2]

Traditional Ways to Deal with Fighting on Campus

Traditionally, school administrators handle conflicts by:

1. Getting the disputants to stop hitting each other.
2. Bringing the disputants into the office and getting them seated, preferably in two different rooms.
3. Bringing each disputant into the administrator's office separately and asking what caused the dispute.
4. Setting some clear standards regarding why fighting is a bad way to settle conflict.

5. Suspending both disputants for a set number of days regardless of who started the fight.

6. When the disputants return to school, bringing them together and seeing if they can resolve their differences after some time has passed.

In many places in the United States, these strategies may no longer be effective. This is particularly true in urban areas of the country where gang violence, weapons possession, hard drugs, and the influence of older "gangsters" may be involved in the origin of the conflict. School administrators must recognize that simple "let's reason together" strategies may be out of date considering the size of the problem and the potential consequences.

Twelve Ways to Settle Disputes

There are a number of fundamentals of conflict management that might be helpful to outline for school administrators. These fundamentals can be summarized. We have included a summary of the fundamentals of conflict management on a list which can be duplicated and given to students and faculty. School administrators with a significant problem with fights and conflicts on campus may want to have *Twelve Ways to Settle Disputes* duplicated on small cards and given to every student in school. They may also want to have it placed on large posters and placed in every classroom and in several places around the campus.

Twelve Ways to Settle Disputes

1. Stop arguing or fighting and sit down together to talk.
2. Take turns speaking and listen without interrupting.
3. Summarize, clarify, and acknowledge what the other person has said or feels.
4. Say what you think the other person is saying. Ask if you are correct. If not, listen again.
5. Avoid accusations. Instead say: "I feel.... when you .... because..."
6. Focus on the future rather than the past.
7. Focus on problems and behavior rather than personalities.
8. If the problem is complicated, break it down into smaller parts. Focus on one issue at a time.
9. Look for creative solutions. Brainstorm ideas.
10. If you can't agree, take a break and come back later.
11. You may want to ask someone you both trust to help mediate the problem.
12. Once the problem is solved treat all parties involved with respect and courtesy.

Using Peer Mediators to Resolve Conflicts

The use of peer mediators is another useful way to deal with conflict management. Setting up a peer mediator program is really quite simple. Training peer mediators in techniques and strategies of mediation and conflict management may be more complicated and may necessitate the assistance of trained peer mediator trainers. There are many conflict management and conflict resolution professional groups scattered throughout the nation.[1] The steps for establishing a peer mediation program are:

1. Establishing some qualifications for students who might be especially helpful and willing to act as mediators of conflicts on the school campus. These qualifications would be different for every school based on the kind of conflicts that are occurring.

2. Qualifications might include patience, the ability to listen, and the ability to learn mediation and conflict management strategies.

3. The selection committee should be composed of students, teachers, administrators and parents. Care should be taken to include persons from different races, ethnic backgrounds, and social groups.

4. There should be a formal announcement about the establishment of peer mediators and the names of the persons selected.

5. Peer mediators should wear T-shirts or sweaters to school with the words, "*Peer Mediator*", printed clearly on the front or back at least once a week during the school year so students can clearly identify their peer mediators.

6. The administrator in charge of discipline may want to establish some type of reporting system regarding who was involved in a conflict and how was the conflict resolved. This may be an informal reporting system with peer mediators and probably should not be in writing.

7. When a peer mediator's services are requested by a student or if he/she is assigned a conflict by an administrator, the mediator should meet with the disputants on non-school time in a school assigned room or place on campus.

8. If the peer mediator cannot resolve the conflict alone he/she should ask for assistance from a school administrator.

Using Community Resource Groups to Resolve Conflicts

Sometimes conflicts are focused in the community and spill over onto school grounds. When this occurs school administrators must seek the help and assistance of community groups. Community groups and individuals that can be helpful include church groups, social workers, probation officers, law enforcement officers, and city officials. It is particularly helpful to establish a task force made up of representatives from each of these groups. It is usually best to meet in a community building or a church rather than at school. Meeting in the community rather than at school symbolizes that this is a community problem that the school is asking help in resolving.

It is especially impressive if members of the task force can appear on campus at lunch time and break, so students can see that people they know in the community are interested in the school, and seeing to it that the school is a calm and well-ordered place for teachers to teach and students to learn.

REFERENCES

1. United States Center for Disease Control, *Youth Risk Behavior Survey*. Washington, D.C., 1992.

2. The Community Board Program, *Conflict Resolution Resources*, 1540 Market Street, Suite 490, San Francisco, California, 94102. (415) 552-1250.

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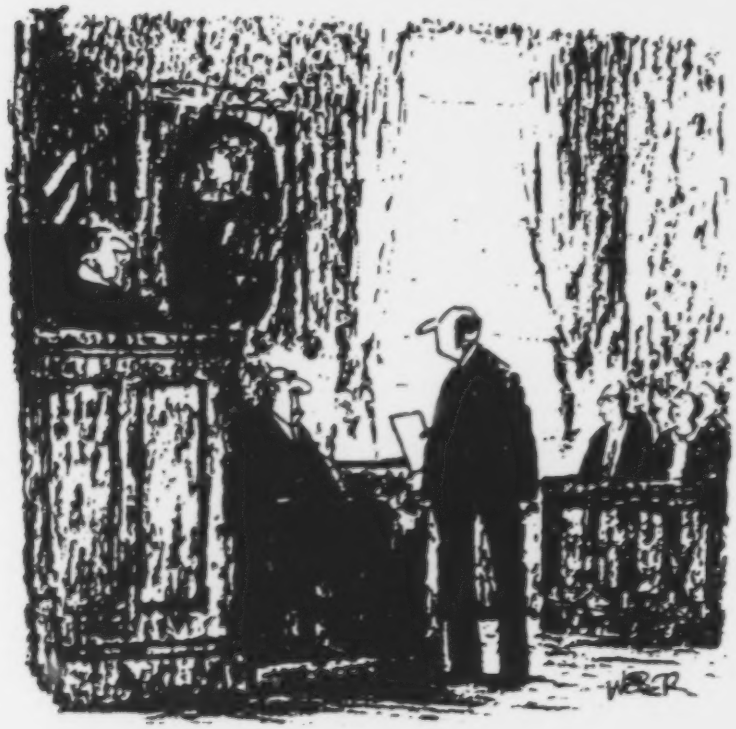

"As a matter of fact, I have read the Constitution, and, frankly, I don't get it."

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4 The Need for Procedural Justice

Since the 1960s, public school officials have greatly reduced their parental roles in relation to students. The application of the concept of "in loco parentis" in which teachers, acting in place of parents, extended benevolent and extensive control over students has greatly diminished at the high school level, partially in response to court decisions.

Although school officials are still obliged to maintain a safe and orderly learning environment, including the removal of unruly or dangerous students when necessary, they must carry out discipline procedures in a fair manner aimed at retaining rather than excluding students from school whenever possible.

It is also true that the school system and the schools which make up that system are a community, and the rules and regulations of the community are the laws by which it is governed. All who enjoy the rights of citizenship in that community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the rules and laws of the community.

Despite the degree to which the personalities and beliefs of teachers and administrators influence the rules and regulations in schools, the fact remains that school discipline is outlined by sets of rules rather than by the capricious whims of any one individual. Although it would be stretching it to say that schools are democratic institutions, they do attempt to reflect the basic principle that governmental bodies are governed by rules and not by men. Central to that concept is our system of procedural justice.

The Meaning of Procedural Justice

Procedural justice has been called "the keystone of liberty" and the "heart of the law." Procedural justice refers to:

- the fairness of the ways information is gathered, and
- the fairness of the ways decisions are made.

Respect for procedural justice is often a key indicator of a democratic political system. It has been said that the degree of procedural justice in a society is a good measure of the degree of freedom in that society, and of that society's respect for human dignity and other basic human rights.

It is difficult to rationalize how the schools can be exemplars of democratic values and at the same time fail to provide an opportunity for students and parents to play a role in the making of the rules which govern the citizenry. For this reason it is highly recommended that students and parents be given a role in the formation and periodic revision of school rules.

Every school administrator must pay close attention to due process rights as stipulated by recent decisions by the Supreme Court of the United States. Most school administrators have had at least one course in school law. It may, however, be helpful to review "landmark cases" which have special relevance to school discipline procedural justice issues.

"Landmark" Due Process School Discipline Cases

Landmark cases are cases where the rule or principle established by a decision is so important that a ground breaking legal principle has been established. Oftentimes landmark cases set a legal path for an institution or a group of people. For example, the case of *Brown* v. *the Board of Education* led the way for desegregation of schools. For purposes of this manual, four landmark cases have been included in the Appendix for reference purposes. A short summary of each case and its importance to school administrators is listed below.

In re Gault - **(1966)** the Supreme Court declared that "Whatever may be their precise impact neither the Fourteenth Amendment nor the Bill of Rights is for adults alone". This ruling established that in cases related to delinquency, children enjoy some of the same constitutional rights as adults. This case has been called a "wellspring" for children's rights in delinquency matters.

Tinker* v. *Des Moines Independent Community School District - **(1969)** the Supreme Court declared that the public school student comes to school clothed in constitutional rights, and that these rights are not left "at the school house gate." This decision set the stage for much of the student rights movement of the 1970s since the decision was specifically related to the issue of free speech and the wearing of black armbands to protest the war in Viet Nam.

Goss* v. *Lopez - **(1975)** stipulated that "a student's legitimate entitlement to a public education is a property interest which is protected by the due process clause of the Bill of Rights and forbids arbitrary deprivations of liberty." The right to attend school has been interpreted as a property right under this decision.

T.L.O.* v. *New Jersey - **(1985)** stated that although students are guaranteed protection against unreasonable searches and seizures without a warrant, as stipulated in the Fourth Amendment to the Constitution, there is also a "need for the maintenance of swift and informal disciplinary procedures in schools". Therefore it may be necessary for school administrators to search a student or his property without a warrant as long as the objectives of the search "are not obtrusive to the age and sex of the student and the nature of the infraction." The objectives of the search must be "reasonable under all circumstances" rather than the "probable cause" provisions usually used in adult cases.

Each of the above cases applies the concept of due process to school cases involving student rights. In the case of *Tinker* v. *Des Moines* the emphasis is on First Amendment rights. In the case of *Goss* v. *Lopez* and *In re Gault* the emphasis is on due process and property rights as stipulated in the Fourteenth Amendment. In *T.L.O.* v. *New Jersey* student rights under the Fourth Amendment, which protects the citizen against unreasonable searches and seizures, are argued. Each case involves the question of what substantive rights students have under the Constitution. This is a relatively new phenomenon in the history of school law.

In each case student due process rights described by the courts are substantive. Although the right not to be searched without a warrant and the right to attend school can be interfered with, it cannot be done capriciously and without significant good reason. In all cases, students can request a hearing to determine if their due process rights have been capriciously denied.

Just what kinds of due process rights do students have under the law? A summary of recent case law reveals the following as important due process rights of students:

- The right to know what you are being accused of doing wrong.
- The right to a fair hearing in which you may present your side of the case.
- The consequence must be within the authority of the school in terms of state and federal laws.
- In serious cases, the right to be heard before an impartial person. Serious cases are defined as cases involving more than ten days of suspension.
- In serious cases, the right to have a lawyer present to represent you.
- In serious cases, the right to call witnesses in your behalf.

- In serious cases, the right to question your accusers and the witnesses against you. This may vary in some states where students may have that right even in short suspensions.
- In serious cases, the right to have a transcript made of the proceedings so that you may appeal the decision.
- The right to a punishment in proportion to the offense committed.

As a general rule it is important to note that "the standard of proof" in disciplinary actions is upon the school authorities. Although the "standard of proof" may not be as stringent as the "burden of proof" that is required in a criminal court, there is a need for the administrator to prove the question to some degree. It is also important to note that most courts are reluctant to question the decisions of school district authorities. The courts are primarily interested in deterrence and as long as school administrators use good judgment in their attempts to deter a wrong or an injury there will seldom be reversals.

Student Interrogations by Law Enforcement Officers

There are some general rules important to note when law enforcement officers ask to question students at school. Law enforcement officers have a right to talk to students at school. The student, on the other hand, has a right to remain silent and not speak to the police. The practice is for school administrators to cooperate with the police in general but respect the students right to remain silent in particular. In some school districts there are policies against police talking to students on campus unless a crime was committed on the school campus. School administrators should be very certain of what their district policy is in regard to police questioning.

To insure that all rights and requests are respected, the following procedure is followed in most schools:

- Do not allow the police to take the student from school unless the student is under arrest.
- Call the parents and tell them what is happening.
- Make certain that only a school administrator and not the police summons the student out of class.
- Be certain the student is advised of his/her rights.
- A school administrator should be present during the entire interrogation.

- The school administrator should not participate in the questioning of the student.
- The school administrator should interfere if the police become abusive or threatening.

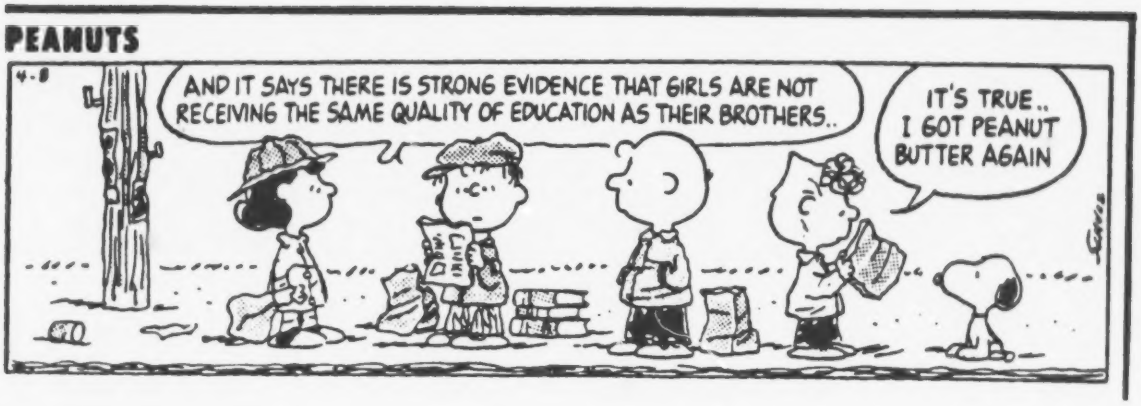
Many school districts require that the police be called in the event of a possession of a weapon or drugs on the school campus.

Student Searches

Because of the continuing problem of drugs on school campuses, the question of student searches has become a major issue. The important case law, *T.L.O.* v. *New Jersey* in this instance, ruled that although in general students maintain protection against unreasonable searches of their persons or their property, school officials can search a student or his property as long as "it is related to the objectives of the search and not obtrusive to the age and sex of the student and the nature of the infraction."

It is important to note, however, that *T.L.O.* v. *New Jersey* does not authorize mass searches, strip searches, blood or urine tests or other kinds of what can be called irregular searches. A school administrator or school board that orders that kind of search should confer with legal authorities prior to ordering such a search. In most cases the courts have upheld locker, handbag, or book bag searches and has been reluctant to second guess the judgment of school administrators. Locker searches have been especially permissible since there is not the expectation of privacy on the part of the student in a school locker that there might be in a handbag or book bag. It is a good idea for school administrators to require that the combinations of all locks and lockers be on file in the office so that there is no question regarding the expectation of privacy.

School administrators should also be aware of the exclusionary rule which may forbid using evidence obtained illegally in a court of law. The use of evidence in school proceedings, however, is much more liberal than in criminal cases.


PEANUTS
AND IT SAYS THERE IS STRONG EVIDENCE THAT GIRLS ARE NOT RECEIVING THE SAME QUALITY OF EDUCATION AS THEIR BROTHERS..
IT'S TRUE.. I GOT PEANUT BUTTER AGAIN

PEANUTS reprinted by permission of UFS, Inc.

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5 The Need for Equal Opportunity

School administrators have an important role to play in terms of insuring that all students have an equal opportunity to learn. Their responsibility as educational leaders places them in a lighthouse position in terms of assuring that no single group is singled out for less than equal treatment. Written rules and regulations, discipline practices and procedures, must be beyond reproach when it comes to not favoring or penalizing any segment of the student population.

School administrators are always fair game for community groups or parents who want to point the finger of prejudice. It is a good idea for school administrators to have clearly written guidelines relating to such sensitive subjects as Title IX, racial and ethnic equity, and equal educational access for the handicapped. These guidelines should be included in faculty and parent handbooks, posted in teacher's classrooms, and in the administration office. The guidelines should be discussed with faculty at the beginning of the school year. Some school districts require that the principal of each school certify that he/she has complied with regulations relating to equality of educational opportunity. A summary of federal anti-discrimination laws pertaining to schools is listed on the next page as an easy reference tool.

Federal Anti-Discrimination Laws Pertaining to Schools

Law	Area of Discrimination	Coverage	Enforcement Agency
14th Amendment of the U.S. Constitution (1868)	Rights of citizens	Employees and students	Office for Civil Rights
Equal Pay Act (1963)	Sex (in pay)	Employees	Dept. of Labor
Title VI, Civil Rights Act of 1964	Race, color, and national origin	Students	Office for Civil Rights
Title VII, Civil Rights Act of 1964	Race, sex, color, national origin and religion (in employment)	Employees	Equal Employment Opportunity Commission
Executive Order 11246 (as amended by E.O. 11375 (1968)	Race, sex, color, national origin, and religion	Employees	Office for Civil Rights
Title IX, Education Amendments of 1972	Sex	Employees and students	Office for Civil Rights
Rehabilitation Act, 1973 (Section 504)	Handicapped	Employees and students	Office for Civil Rights
Education for all Handicapped Children Act (Public Law 94-142) (1976)	Handicapped	Students	Office for Civil Rights
Pregnancy Discrimination Act (1978)	Sex (pregnancy)	Employees	Equal Employment Opportunity Commission
Age Discrimination in Employment Act, amended 1978	Age	Employees	Dept. of Labor; and Office of Civil Rights
Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap	Race, color, national origin, sex, and handicap	Employees and students	Office for Civil Rights
Carl D. Perkins Vocational Education Act, 1984	Sex (also national origin and handicap)	Students	Office for Civil Rights

Gender Equity

A continuing area of concern for most educators is the issue of gender equity. Most teachers and administrators would argue that in their school boys and girls are treated equally. In most cases relating to gender equity the differential treatment is subtle rather than blatant. It must be remembered that schools reflect the society in which they are located and that society still has not accepted the fact that preferential treatment on the basis of sex is unfair in our culture. Although the nation has come a long way since women were denied the vote, women still do not receive equal pay for equal work, experience sexual harassment in the work place, and continue to drop out of high school and college at an alarming rate. Well over two million American girls and women between the ages of 14 and 24 are high school dropouts.[1] Although 67% of American women work and comprise half the civilian labor force, the economic job market still provides them with a supplemental rather than a primary income.[2]

Although things have improved, studies indicate that schools still have a way to go in terms of eliminating gender discrimination. Particular concerns for school administrators to remember in relation to gender issues are:

- Although in the early grades girls have equal achievement test scores to boys, by the time they reach grade twelve the boys have surpassed their female counterparts, particularly in math and science.
- Girls receive less praise, fewer complex and abstract questions, and less instruction on how to do things for themselves.
- Girls who suffer from learning disabilities are less likely to be identified than learning disabled boys.
- Of the 70 to 90 percent of brightest high school graduates (male and female) who do not go on to college, 70 to 90 percent are girls.[3]

One of things that school administrators can do to check their school on school gender issues is to develop a school assessment instrument. The instrument can be circulated among the staff and completed at a faculty meeting. An example of a Title IX School Self Assessment Checklist required for school administrators by the Los Angeles Unified School District and a recommended sex equity checklist for teachers is included for your review.

An additional issue for school administrators dealing with gender issues is the pregnant female student. The Department of Education has stated that Title IX prohibits discrimination on the basis of pregnancy or marital status. Pregnant minors have a legal right to attend school and must be treated as all other students unless the student requests a special program. If the student requests a special program, the quality of the special program must be equal

to that of the regular program. The student also has the right to participate in extracurricular activities including graduation exercises. Married students who have children, have the right to not attend school if they so choose.

On the following pages a checklist is included which can be used to assess whether your school meets Title IX requirements. The checklist was designed and is used by the Los Angeles Unified School District, (Form 8).

TITLE IX SCHOOL SELF-ASSESSMENT CHECKLIST

Date _____

SCHOOL_____ PRINCIPAL_____ PHONE_____

REGION/DIVISION _____

ASSESSMENT REVIEWER(S)
_____
_____

"No person . . . shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

"It is the policy of the State of California to afford all persons, regardless of their sex, equal rights and opportunities in the educational institutions of the state . . ."
CALIFORNIA EDUCATION CODE, SECTIONS 200-264

INDICATE WHETHER OR NOT THE FOLLOWING PROGRAM ITEMS ARE COMPLIANT WITH APPLICABLE REQUIREMENTS:

I. Procedural Requirements*

General provisions—§106.3-106.9 (Title IX)

	YES	NO	IN PROCESS	NEEDS ASSISTANCE
• A policy of nondiscrimination on the basis of sex is prominently displayed in newsletters, yearbooks, posters, orientation/counseling materials.				
• Staff, students, and community are aware of the name, position, and services of the Title IX officer.				
• The school continuously disseminates information regarding Title IX, its policies and procedures, including the grievance procedure, to staff, community, and students.				
• Staff and students throughout the school are informed of the sexual harrassment policies of the Los Angeles Unified School District and the procedures for filing a grievance.				
• The school involves the community in efforts to support a sex equitable school environment and refrains from providing significant assistance to organizations which discriminate in membership or service on the basis of sex.				
• Staff, students, and community are exposed to a regular and systematic in-service training program for Title IX compliance and the achievement of sex equity.				

II. Access to Courses— § 106.34 and 106.35 †

Courses or other educational activities may not be provided separately on the basis of sex except for sex education and choruses. In physical education classes, students may be separated by sex when playing contact sports.

Students are not required or refused participation in any course or activity on the basis of sex.

- Both sexes are encouraged to enter and be admitted equally to all vocational education programs, activities, and facilities.
- Both sexes have equal access to physical education classes, facilities, and equipment.
- In all courses that previously enrolled a majority of one sex, steps are regularly taken to motivate students of both sexes and encourage their enrollment.
- Course description, titles, and content are reviewed continuously for gender bias or sex role stereotyping. All courses are open to all students.

YES	NO	IN PROCESS	NEEDS ASSISTANCE

A. Instruction/School Environment*

- In the selection and evaluation of textbooks and curriculum materials, the school utilizes a policy of nondiscrimination on the basis of race and sex.
- Display materials show both sexes and different races in a wide variety of traditional and nontraditional career options.
- Instruction in all courses is conducted on a coeducational basis with facilities, equipment, and supplies equitably shared by all students.
- Students can observe adults in the school who represent many positive possibilities for their own behavior and careers. For example, students can observe males and females who nurture as well as members of both sexes who make major policy decisions.

YES	NO	IN PROCESS	NEEDS ASSISTANCE

B. Counseling—§106.36 (Title IX)†

A recipient may not discriminate on the basis of sex in counseling or guiding students.

- Career/vocational counseling and materials offer a wide variety of options including nontraditional choices for both male and female students.
- Counseling practices and material avoid implying that academic career and/or personal choices are more appropriate for one sex than the other.
- Counselors advise students to explore the range of options and opportunities in course selection, work study programs, and future career plans.

YES	NO	IN PROCESS	NEEDS ASSISTANCE

III. Access to Nonacademic Activities†

YES	NO	IN PROCESS	NEEDS ASSISTANCE

- Both sexes have equal access to on-campus activities such as clubs, meetings, or assemblies.
- School clubs, assemblies, and other on-campus activities are reviewed continuously for gender bias or sex role stereotyping.
- Students are not denied the use of comparable facilities on the basis of sex.
- Recreational facilities and equipment are equally available to students of both sexes.

Athletics—§106.41 (Title IX)

YES	NO	IN PROCESS	NEEDS ASSISTANCE

No person may be subjected to discrimination based on sex in intramural athletics.

- No person is discriminated against in any athletic program on the basis of sex. Separate teams may be provided for each sex if the selection is based on competitive skills, or if it is a contact sport.
- Students have comparable athletic programs, including equipment, facilities, coaching, practice time, awards, and support services.
- Specific criteria have been established for equity and nondiscrimination in all athletic activities.

IV. Treatment of Students— § 106.31 (Title IX)*

All schools must treat their admitted students without discrimination on the basis of sex.

YES	NO	IN PROCESS	NEEDS ASSISTANCE

Students are not treated differently or subjected to different rules of behavior on the basis of sex.

- Awards, honors, scholarships, and financial assistance are available for both sexes based on equitable criteria.
- Students are not treated differently regarding discipline on the basis of sex.
- Behavior standards are the same for students of both sexes.
- Grading, promotional procedures, and graduation requirements have been reviewed to assure that they apply equitably to all students.

Marital or Parental Status—§106.40 (Title IX)

YES	NO	IN PROCESS	NEEDS ASSISTANCE

A school may not discriminate against any student in its educational program because of the student's pregnancy or marital status.

- No students are discriminated against because of marital or parental status.

Marital or Parental Status (Continued)

	YES	NO	IN PROCESS	NEEDS ASSISTANCE
• Pregnant students have access to the regular school program.				
• Counseling opportunities are arranged for students with special problems, i.e., teenage pregnancy/ motherhood and fatherhood.				

V. Employment †

Students are not discriminated against in employment on the basis of sex.

	YES	NO	IN PROCESS	NEEDS ASSISTANCE
• Students are treated equitably in the employment process with no discrimination on the basis of sex.				
• Pre-employment interview procedures stress equal opportunities for both sexes and are free from gender bias.				
• When the school assists in making employment available to students, the school receives an assurance of nondiscrimination from the employer.				

Racial and Ethnic Equity

Racial and ethnic problems continue to exist in many schools throughout the nation. Unfortunately current events continue to emphasize the idea that prejudice and racism still remain a part of our cultural fabric. Once again, the school reflects the society in which it is located and actions by administrators may or may not have a significant effect upon racial slurs, crude comments, graffiti, or hatred between groups. Administrators can take action, however, against blatant acts of racism on school campuses. Administrators must make it clear that any public display of racial slurs or acts of "hate crime" will be dealt with severely and promptly. Students responsible for racial or ethnic graffiti or attempts to start fights or conflicts between groups must be identified and given stiff consequences for their misbehavior. For the administrator, racism is not only morally wrong, it is the prelude to violence.

There are some positive and practical things that school administrators can do to prevent racism in their school. Among those things are:

- **Encourage the employment of minority teachers.**

  It is estimated that by the year 2000 the percentage of minority teachers will drop from 12% to 5%. At the same time, the minority student population will increase to 33%. Diversity within the public school faculty is a pedagogical necessity, not merely a matter of fair play in the labor market. Having teachers as role models is important for all racial and ethnic groups. Recent research suggests that 20% is the minimum rate of inclusion required to diffuse stereotypes and other negative factors affecting minority members of organizations.[4]

- **Highlight the contributions of famous people who are members of racial and ethnic groups.**

  Use the school bulletin and calendar to recognize the contributions of great leaders, inventors, entertainers, sports figures, musicians, scientists, writers, and teachers, to our nation's history and culture. Celebrating the birthdays of important persons and announcing and explaining important holidays when they occur during the school year is a noncontroversial way of combating prejudice on school campuses.

- **Be certain that teachers are not guilty of practices in their classrooms that subtly encourage prejudice.**

  This might include poor choice of words, lack of tact, attempting to be humorous at the expense of a minority group, using generalizations, or showing preferential treatment. Most teachers are careful to avoid such pitfalls but even the best teacher may be guilty of an unintentional infraction.

- **Conduct a little study on your own to determine whether there is equal enrollment by gender and race in all courses, especially upper level math and science, computer programming, skilled trade programs, home economics, and business practice programs.**

  If the distribution is not appropriate to the percentage of minorities in the school, meet with the appropriate department chairperson and brainstorm some possibilities to improve the percentage.

- **Conduct a little study on your own to determine whether there is equal enrollment by gender and race in sports programs, community service programs, and the arts.**

  If the percentage of participation is not appropriate to the total school population, meet with coaches and teachers and brainstorm ways to improve involvement.

- **Conduct a little study on your own to determine whether the number of students receiving awards is equally distributed among racial and ethnic groups.**

  If the percentage is inappropriate to the percentage of minorities in the total school population, meet with the counseling staff and determine if there is anything that can be done to encourage minority students to apply for awards and scholarships.

- **Check your disciplinary referral list over the course of a year and determine if there is an uneven distribution of referrals and suspensions in terms of racial or ethnic groups.**

  If the number is abnormally high, then investigate further by determining whether there is an infraction that might be culturally induced and thereby treated differently in terms of consequences.

- **Be certain that students involved in racial conflicts follow the Twelve Ways to Settle Disputes process.**

  They may need a peer mediator but the process can be very similar. Be certain to have a good cross section of racial and ethnic groups represented in your staff of peer mediators.

- **Look for ways to improve the self concept of minority youth.**

  This can include praise, enrollment in special programs or classes, recognition of special contributions no matter how minor, remembering their names, and asking questions about their family, friends, or work.

- **Try to have your Board of Education adopt a resolution reaffirming their commitment to respectful treatment of all persons.**

  A resolution adopted recently by the Los Angeles Unified Schools District is included on the following page. Have the resolution posted in every classroom and throughout the administration office.

Board Resolution Reaffirms Commitment to Respectful Treatment of All Persons

"The _____ School District reaffirms its policy that students and adults in both schools and offices should treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person on the basis of race, language spoken, color, sex, religion, handicap, national origin, immigration status, age, sexual orientation, or political belief . . ."

89 90

Excerpted from a resolution unanimously passed by the Board of Education, [date].

Please Post in All Classrooms and Offices.

Equity for the Handicapped

Each state has statutes and regulations that govern the details of how educational services are provided to students with handicaps. State rules cannot conflict with federal law, but they can and often do provide for more services and rights than federal law requires. The term "handicapped children" under P.L. 94-142 includes those who are mentally retarded, hard of hearing or deaf, blind or with impaired sight, speech-impaired, seriously emotionally disturbed, orthopedically impaired, or otherwise health impaired. It also includes students with specific learning disabilities such as dyslexia. It is important that school administrators be familiar with Public Law 94-142.[5]

Public Law 94-142 provides for provisions of due process and education in "the least restrictive environment" for handicapped children. The law directs that an Individualized Educational Program (IEP) be developed in conference with the parents for each handicapped child needing special education and related services. The law is very specific about how the IEP is to be developed and what is to be contained therein. Specifically, the IEP must include statements concerning the child's current performance level, annual goals, specific special education and related services, the extent to which the child will participate in regular education, dates that the program will begin and end and evaluation procedures.

Several states and even some federal laws now have substituted the term "disabled" for "handicapped". School administrators should check with state and federal laws to be certain that they use the correct term.

The educational needs of handicapped and disabled students are well documented in many of the stipulations of P.L 94-142. For purposes of this text, the main concern is whether handicapped and disabled students are treated with equity and fairness. Handicapped students are to have the ability to learn in a "least restrictive environment" and that includes classes appropriate to their ability to achieve.

It is important to note that handicapped students can be temporarily suspended in an emergency situation, with the same due-process protection available to regular students. This action is generally taken for the protection of the child and not as a punitive measure. Although handicapped students can be suspended for the same types of offenses as regular students, care must be taken not to suspend them for an act caused in any way by their handicap. In the case of emotionally disturbed students this can be a problem. Bringing the student's evaluation team into the process is highly recommended and can help avoid subsequent legal problems. Any suspension longer than 10 days is considered a change in placement under P.L. 94-142 and evokes an entirely new set of due process provisions.

It is also important to note that if a handicapped student is so disruptive in a regular classroom as to impair the education of regular students, a different placement may be made to a more restrictive setting. That is, however, as long as the due process provisions of P.L. 92-142 are met and abided by in full measure.

Included on the next page (Form 9) is an Administrator's Checklist adapted from the *Complete Guide to Special Education Services*[6] which may help avoid legal problems when disciplining a handicapped student.

ADMINISTRATOR'S CHECKLIST FOR DISCIPLINING A HANDICAPPED STUDENT

1. Have all normal disciplinary sanctions been exhausted? _____
   Describe previous action taken: _____
   _____
   _____

2. Has the IEP been modified to address the child's behavioral needs? _____
   Describe those modifications: _____
   _____
   _____

3. Would additional services prevent further infractions of the disciplinary code?
   _____ What services are needed? _____
   _____
   _____

4. Does the evaluation team feel that the child's misbehavior is a manifestation of his or her handicap? _____ Why? _____
   _____
   _____

5. Would the child's unique needs be more appropriately addressed in a more restrictive environment? _____ What type of program is necessary?
   _____
   _____

6. Is the student a danger to himself or herself or to others or is there reasonable cause to predict that his or her presence in the school will cause a disruption to the educational process? _____ Explain: _____
   _____
   _____

7. If the student needs to be excluded from school, what services will be required to assure him or her an appropriate education during the exclusion period? _____
   _____
   _____

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4. Pettigrew, T. and Martin, J., "The Smith Design for Institutional Diversity", *The Journal of Social Issues*, vol. 43, 1987.

5. Price, J., Levine, A. and Cary, E. *The Rights of Students,* Third Edition. Carbondale and Edwardsville, Illinois: The American Civil Liberties Union, Southern Illinois University Press, 1988.

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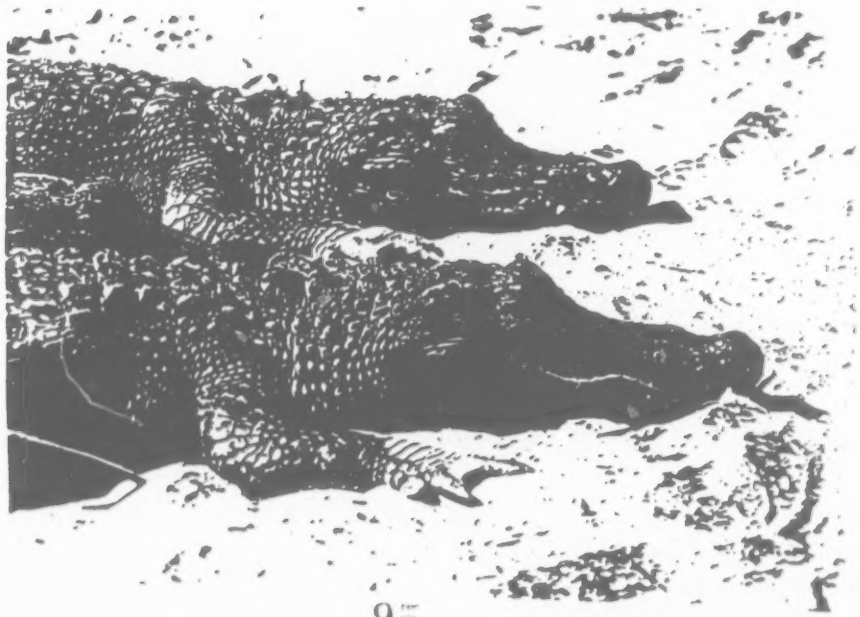
"The Objective of all dedicated school employees should be to analyze all situations, anticipate all problems prior to their occurrence, have answers for these problems, and move swiftly to solve these problems when called upon ....

However....

when you are up to your a__ in alligators it is difficult to remind yourself that your initial objective was to drain the swamp."

Anonymous



6 The Need for Violence-Free Campuses

The increase in violence on our school campuses has changed the way in which many school administrators look at their job. On many inner city school campuses administrators feel that if they have gotten through the school year without a shooting, a stabbing, a severe assault on a teacher or student, a robbery, a case of extortion, or a serious fight between rival gangs then it has been a good year. For many inner city administrators their responsibilities are closer to that of a law enforcement officer than an educator.

It is very difficult to generalize when it comes to describing violence on school campuses. School administrators assigned to white, middle-class schools in the suburbs or in rural areas may in fact, not have the serious problems with weapons, violence, hard drugs, or any of the other serious problems so prevalent in our inner-city schools. For those fortunate administrators cheating, petty theft, fights, and having more than a two-inch blade on campus is still a serious matter. Unfortunately, suburban schools are also seeing an increase in "serious discipline cases" and it may not be long before suburban school administrators may also begin to change their perspective concerning what school violence is all about.

In the past, schools were "islands of safety" within otherwise violent neighborhoods. This is no longer the case. The National School Safety Center states that each year, 3 million children are attacked at school and weapons were used in 70,000 cases of assault.[1] In addition to attacks, 42% of students reported their property stolen and 29% reported their property vandalized. Nearly one out of five public school teachers reported being verbally abused by students during the previous month. Eight percent reported being physically threatened, while 2% reported being physically attacked during the previous year.[2]

The severity of violence on school campuses is definitely on the increase. During a six-month period in 1988-89 more than 400,000 students were victims of violent crimes at school.[3] The press, the president of the United States, the governors of the states, and educators everywhere are attempting to do something about it.

Weapons on School Campuses

One of the biggest concerns for contemporary school administrators is the increase in the number of weapons on school campuses. According to a study conducted in 1991 by the United States Center for Disease Control, nearly 20% of all high school students carry a weapon and 5% carry a firearm at least once a month.[4] The study did say that the weapons were not necessarily brought to school, but the fact that students have a weapon at their disposal is alarming enough.

Weapons availability for high school students reflects the general increase in weapons possession in the nation. According to the Bureau of Alcohol, Tobacco and Firearms there are currently 200 million guns owned by civilians in the United States.[5] If schools are truly a reflection of the community, in which they are located, it is no wonder that weapons are occasionally brought to school. In California - one of the few states where school crime must be reported - 28% more weapons were confiscated in schools in 1988 than in 1987. In New York, confiscations rose 25% in 1990. In 1988, 344 guns were confiscated in Miami schools.[6] Rural schools also report an increase in the number of guns brought to school.

Where guns used to be brought to school to show off or as a scary novelty, they are now being brought to school to threaten other students or because students fear for their lives. If you do not have a gun and the other guy does have one some students would say "they are short" and not able to defend themselves.[7]

There seems little doubt that the increase in guns correlates closely with the increase in hard drugs and gangs.[8] It may also be that we have more emotionally troubled youth than in days past and these individuals have less adult supervision and more access to weapons. Unfortunately teenage suicide and accidental shootings among teenagers is also on the rise and further demonstrate the increase in the number of troubled youth and the increased availability of weapons to teenagers.[9]

What can the school administrator do to help eliminate weapons on campus? One of the first things schools can do is be certain that their rules and policies concerning weapons and assaults are firmly in place. These policies should be communicated to the student body and in the community. Those rules should include rules which state :

- The possession of knives, guns and other dangerous weapons on school grounds is an expellable as well as a criminal offense.
- All instances of weapons possession on a school campus will be reported to law enforcement officers. In most states possession of weapons on a school campus is a criminal offense.

- Any assault by a pupil on another pupil or a school district employee will be reported to law enforcement officers and will result in referral for expulsion from the school district.

The National School Safety Center makes the following recommendations concerning weapons on school campuses:

- Schools should establish a school security task force comprised of school officials, law enforcement officers, youth-service providers, parents and students. The task force should plan what safety measures are needed and how they can be implemented.
- School administrators must become "savvy" to what is going on in their community in regard to drugs, weapons, and gangs.
- Every school should develop a "crisis plan" in the event someone carrying a weapon is on campus.
- The communication link between campus supervisors and the administration office should always be in ready operation.
- School staff should be informed and regularly updated on safety plans through an in-service training program.
- Communication links to law enforcement agencies should be direct and operable.
- Access points to school grounds should be limited and monitored during the school day.
- Students should be taught to be responsible for their own safety by reporting suspicious individuals or unusual activity on school grounds.
- Schools should establish a curriculum committee to focus on teaching students non-violence, pro-social skills, conflict management skills, law-related education, and good decision making.[10]

Gangs on Campus

Gang activity in schools has been around for decades and school administrators have learned to identify and deal with gang members on an individual basis. Although gangs are not new for inner-city school administrators, the involvement of gangs in drug sales and the more common use of weapons has changed the degree of danger of gang activity. The profit motive has expanded gang territory to areas where they did not formerly exist. It seems difficult to believe, but some school administrators refuse to believe that they have gang members on their campus and in their neighborhoods. The reality is that if the student looks like a gang member, talks like a gang member, and pals around with gang members, he probably really is a gang member. School administrators would rather not deal with gang members, but the reality is that if gangs are present in your community they are probably present in your school and you had better learn to deal with them.

Definition: A clear definition of a gang may be helpful. The definition used by the Los Angeles Police Department in their brochure *Gangs and Violence*[11] is very definitive. The city of Los Angeles has one of the highest counts of gang membership of any major city. At a recent count conducted by the police department, there were 56,000 known gang members in the city of Los Angeles.

Street gangs can be described as a group of individuals who may or may not claim control over a certain territory in the community and engage, either individually or collectively, in violent or other forms of illegal behavior.

Leadership: Gangs often form an allegiance to certain leaders. Often those leaders are ex-cons sometimes called "gangsters" by the police and other law enforcement persons. Leadership can be transient and move from one individual to another.

Membership: Gang members can be from any racial or ethnic group. They often have boundaries in their community orientation marked by graffiti. Gang members from rival gangs who travel to another gang's territory could be subject to an attack. Many gangs adopt names that have significance when related to their neighborhood (i.e. street names, hills, valleys, housing projects, and occasionally regional names). Hand signs are often used to denote gang membership.

Ethnic gangs: Gangs often form along ethnic and racial lines, although there is a current trend of youths joining for economic reasons. Some examples of gangs that are based on ethnic ties include:

Asian: (includes Vietnamese, Cambodian, Thai, Laotian, Filipino, Samoan, Japanese, or Chinese) - Cheap Boys, Natoma Boys, Wah Ching

Black: Crips and Bloods

Hispanic: White Fence, Los Vatos, Latin Ladies (female), Midnight Pearls (female)

White: (includes Satanic, Punk, or Heavy Metal) Stoners, Skinheads.

Cliques: Some gangs are very large and as a result often break down into cliques. The clique often has its own name. The gang member will remain in that clique throughout his or her gang career. Sometimes it is difficult for gang members to leave a gang if they are to remain in the same neighborhood. For most gangs, having a job or a child is a legitimate reason for leaving a gang. Some young people in the 10-13 age group are often called "Wannabes" and either hang out with older gang members or by themselves.

Nicknames: Most gang members adopt nicknames when recruited into the group if they do not already have one. The gang tends to select a name that fits the individual's physical or psychological characteristics, but in some cases there are traditional gang names that are assigned to members. Some names go back generations.

Graffiti: Gang members use graffiti to mark their gang's "turf" or territory. They also use it to advertise the gang's status or power and to declare their own allegiance to the gang. There are graffiti cliques called "taggers" who specialize in writing graffiti throughout the community. Sometimes "taggers" place graffiti in daring places such as signs over freeways, on the top of towers, etc. Graffiti that includes "cross-outs" are symbols of either a killing or a kind of "wanted" poster. Hispanic graffiti is usually called "placas" and has a definite kind of lettering which is easily identifiable.

Gangs and narcotics: Many gangs have become involved in transporting and selling narcotics. There are great financial rewards to gangs that are successful in the trade. Successful drug trading gangs often purchase very expensive weapons in order to defend and attack rival gangs and sometimes the police. Oftentimes gangs are used to transport drugs from one area to another. They are also used to initiate drug activity in an area that is "virgin territory".

Girls and gangs: Many gangs have girl members. They sometimes have very special responsibilities such as holding or hiding weapons. They also are assigned gang names and can often be identified by their clothing and hairstyle.

What Can Schools Do to Prevent Gang Activity on Campus?

Awareness and prevention are the keys to controlling gang activity on a school campus. Gangs are recruiting younger age groups as members and it may be possible to counsel young students into not becoming members of a gang. Many young students are not aware of the realities of gang membership in terms of violence, arrests, school failure, and overall self-destruction. Calling parents attention to the possible gang recruitment of their child is important and can bring to bear not only parents but priests, ministers, community persons, and adult advisors.

Schools can also provide positive activities for students during nonschool hours. These activities can be nonschool activities as well as school activities. Coordinating activities with recreation and parks divisions, Youth Gang Services, United Way, service clubs, and other community groups may serve the interests of both the school and the community.

Helping students find jobs is another very important gang prevention activity. Having part-time job fairs, help wanted boards in the office, help wanted adds in the student newspaper, and perhaps attempting to help find work for needy students through service clubs, city and county offices, and other agencies may be helpful.

Look for opportunities to de-glamorize gangs whenever possible. Many younger students look upon gang members as heroes or idols. Using humor with gang members can be very effective. Humor should not be confused with sarcasm which could be a bad mistake. When gang heroes are seen laughing and talking to school administrators it de-mystifies the hero for younger students.

Try to recruit older gang members out of gangs and into useful and constructive outlets. Activities could include athletics, class or Associated Student Body offices, plays, or academic clubs. Ask the help of popular teachers and coaches in pulling older gang members toward more positive goals.

Campus Security

One of the most necessary groups of employees for any school district is campus security guards. Changes in school campus control during the past ten years has required that school monitors be replaced with actual guards who in some cases may need to carry weapons. Once again, this is not the case in most suburban, middle-class secondary schools. In inner cities, however, uniforms and sidearms have become necessary. For nearly every kind of secondary school, sets of walkie-talkies and cordless telephones need to be a part of the school campus equipment list. Campus security is very expensive but nothing compared to the cost of not having it. Without campus control education cannot occur. Once you have lost control of the campus it may take a long time to get it back.

Campus security needs to be the specific responsibility of either one school administrator or one person at the central office. In other words there must be a command post where all communications focus on what is happening and what needs to happen.

Campus security guards need to receive training on how to handle difficult situations. This includes, fights, angry parents, off-campus gang members, drug dealers, police officers, car thefts, argumentative students, and parking problems. Campus security guards have a varied and often difficult job and good judgment is primary as a personal qualification. The *Twelve Ways to Settle Disputes* and the "What Makes a Good Rule" exercises described in chapter one may be useful inservice training activities for campus security personnel.

Campus security also has responsibility for seeing to it that students are in class and on time. This often means making sure that restrooms, hallways, and parking lots are clear of students. It also means verbal reprimands for students who loiter at their lockers or extend class breaks or lunchtime beyond the time allowed. In some schools it may also mean checking hall passes and lunch permits.

Campus Security and the Physical Plant

The schools physical plant is the most traditional school safety component and should never be overlooked. It includes installing required signs, appropriate lighting, fencing, and alarms. A safe-school environment checklist is provided on the following page (Form 10).

SAFE SCHOOL SECURITY CHECKLIST[12]

1. All parts of the school are clearly visible from neighboring homes and the street. _____
2. All entries to the campus are properly secured. _____
3. Security and local police and fire have vehicle access to the campus at all times. _____
4. Gates, locks, and doors are accessible to police and fire during an emergency. _____
5. Local police and fire are familiar with all parts of the campus. _____
6. Field areas are fenced off to prevent unauthorized vehicular access. _____
7. School safety personnel are well trained and screened. _____
8. All visitors to campus are closely checked. _____
9. There are signs at all entry points listing regulations and trespass laws. _____
10. The grounds are free of rocks, gravel or other debris that could be used to vandalize. _____
11. Parking areas are supervised and visible by campus security. _____
12. Curbing areas around drives or parking areas are "square style" to discourage unauthorized vehicular access. _____
13. All sections of the campus have night visibility. _____
14. Lights are equipped with break-resistant lenses. _____
15. Graffiti is removed quickly and there are early morning painters available for assignment. _____
16. A locksmith is available at all hours. _____
17. A master key system is installed and reviewed annually. _____
18. All exterior doors are solid-core. _____
19. All exterior doors have available dead-bolts. _____
20. All exterior doors open inside. _____

SAFE SCHOOL SECURITY CHECKLIST[12] (CONT'D)

21. No exterior doors can be opened by breaking out nearby glass and reaching in. _____

22. Ground floor windows have extra security precautions. _____

23. Break-resistant glass is used, especially in high risk areas. _____

24. Roofs are accessible only by ladder. _____

25. Roofs are fire retardant. _____

26. All buildings are fitted with fire alarms and automatic fire control sprinklers that work. _____

27. A burglar alarm system is installed and integrated throughout the campus. _____

28. Intercoms or portable telephones are accessible and in working order for use by campus security and school administrators. _____

29. Teachers have been informed verbally and in writing related to what to do in a campus crisis situation. _____

30. All alarm systems are frequently inspected and are in good working order. _____

31. A plan for communicating with all classrooms in the event of a power failure is in place, in writing, and disseminated to all staff. _____

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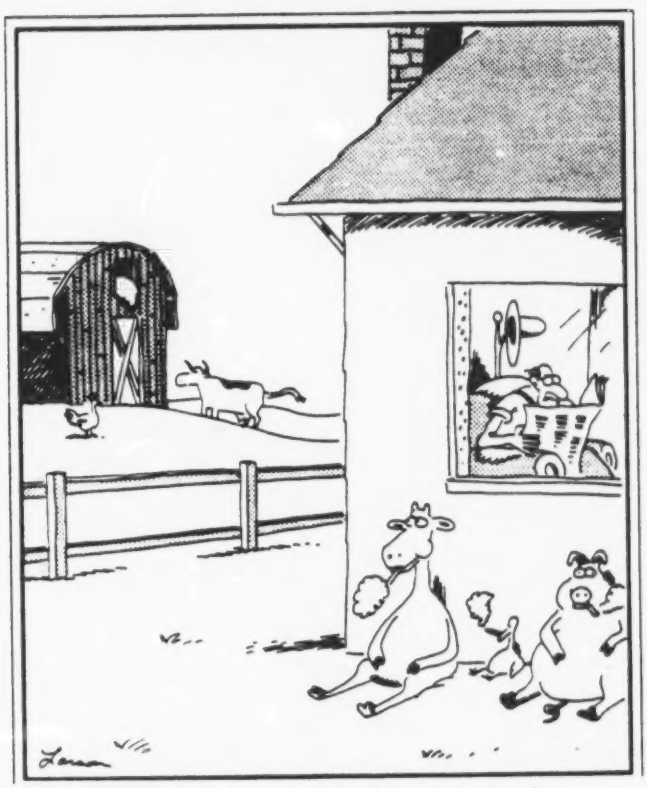


Where all the young farm animals go to smoke

7 The Need for Drug-Free Schools

Although there has been a definite improvement in the number of students using hard drugs such as cocaine, heroin, crack cocaine, and amphetamines, substance abuse still remains a threat to the safety and well-being of students. The National Education Goals Report of 1991 reports that 3 out of 10 high school seniors reported that alcohol and marijuana were easy to obtain in their schools.[1] Another recent study indicates that 60% of high school seniors reported having used alcohol and 17% reported having used marijuana during the previous month.[2] In addition a recent report by the Inspector General of the United States indicates that 8 million junior and senior high school students drink weekly.[3] Clearly there is much work to be done in relation to the use of alcohol and other drugs in the schools. It is a serious mistake to believe that because there has been improvement the problem is solved.

Alcohol

The definite drugs of choice for high school students are alcohol and tobacco. A recent (1990) study by the United States Department of Health and Human Services provides some very important facts relating particularly to teenage drinking in the United States.[4] The study states:

- Junior and senior high school students drink 35% of all wine coolers sold in the U.S. and 1.1 billion cans of beer each year.
- More than 5 million students have binged; 3 million within the last month.
- More than 3 million students drink alone, more than 4 million drink when they are upset, and nearly 3 million drink because they are bored.
- The study showed that students accept rides from friends who have been drinking.
- The study showed that students lack essential knowledge about alcohol and its effects.
- Over a million students do know there is a minimum age for purchasing alcohol.

- One of three students do not know that all wine coolers contain alcohol.
- Nine million students get their information about alcohol from unreliable sources.
- Seven million students are able to walk into a store and buy alcohol.
- Forty-five percent of all students know someone who has used fake identification to buy alcohol.
- The younger students - almost three-quarters of the 7th graders - obtain alcohol from their parents with or without their parents' knowledge.
- Almost 65% of all students have been to parties where alcohol is served.
- Thirty-five percent of students say their parents tolerate their drinking under certain conditions, limiting the amount, frequency, or location of the student's drinking.
- Friends influence students by providing both alcohol and occasions to drink. Ten million students stated they drink with their friends.

Prevention techniques

The results of the study listed above suggest some interesting preventative measures for school administrators. Among those measures are:

- The best preventive measure against alcohol and other drug sales and use are **strict and enforced rules and regulations.**
- Be certain your **school rules concerning students found drinking or "under the influence" at school are clear and well understood** by the student body. It is always a good idea to have the faculty review these rules in homerooms or at the beginning of a specific class period at least once a semester.
- **Be certain that all students have a copy of school and district rules concerning the use or sale of alcohol or other drugs at school or at a school event.**
- **Report students caught selling alcohol or other drugs on campus to the proper authorities and make the necessary recommendations for expulsion.**

- **Work closely with law enforcement and even state licensing commissions in reporting local markets, gas stations, liquor stores, or restaurants who sell alcohol to teenagers.** Students often tell where they purchased the alcohol after having been caught at school or at a school event.
- **Conduct parent education programs concerning teen-age drinking.** Use the factual data listed above as the focus of your first meeting with parents. Parent groups can often serve as support groups for parents whose children are addicted to alcohol and other drugs.
- **Send information home to parents in newsletters explaining the dangers of permitting their child to drink at any time.** Explain the dangers of having alcohol readily available to teenagers.
- **Review the health curriculum at your school and be certain that the information is up to date and factual.** Be certain the teacher includes the factual material listed above.
- **Have some anti-drinking posters made by the art classes of your school.** Be certain they are displayed prior to school proms and dances.
- **Be certain that athletic codes contain strong consequences for athletes who use alcohol or smoke.**
- **Discover where and how students obtain fake identifications and close that source.** Once again school administrators can obtain that information from students.
- **Purchase some anti-alcohol posters and place them around the school.** Be certain they contain information concerning not accepting rides from people who drink.

Smoking on Campus

Smoking on campus can be a nightmare for school administrators. Catching students smoking in rest rooms, at the bus stop, around the corner, or under the bleachers remains a constant irritant to the conscientious school administrator.

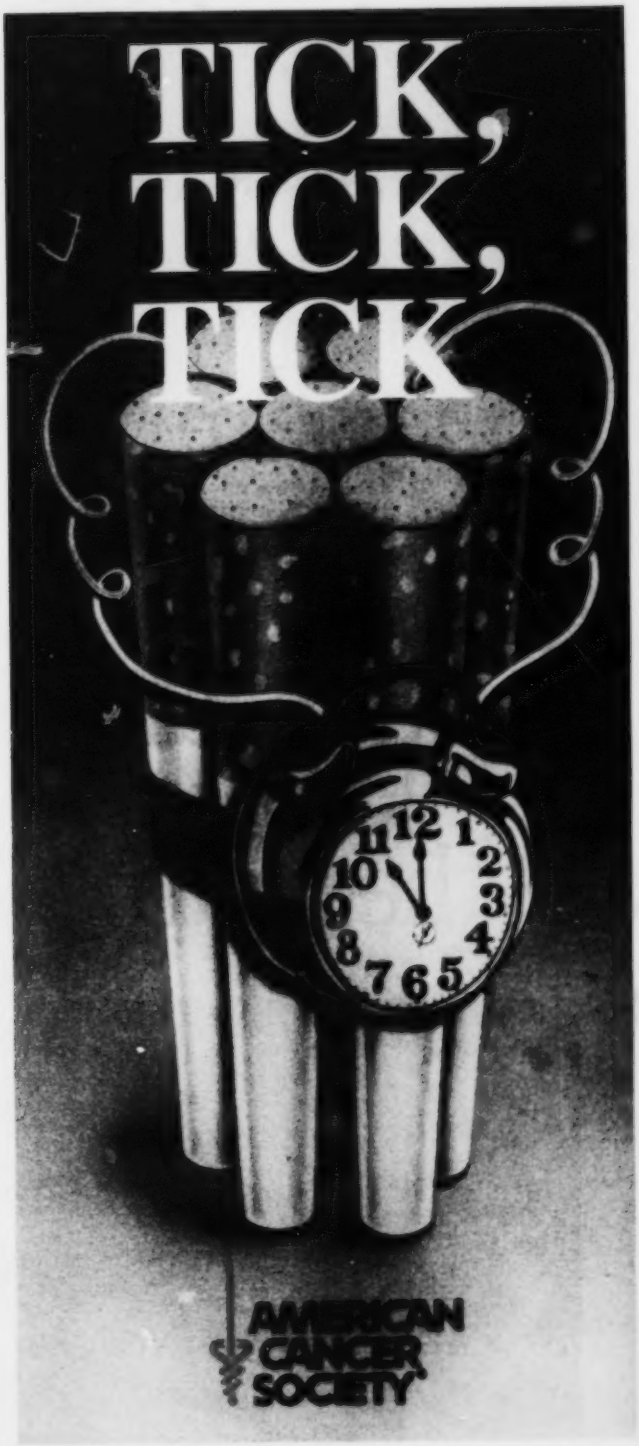
Many schools have provided smoking areas on campus where it is legal to smoke during breaks and at lunch time. Many states have laws against smoking areas and schools caught not enforcing no-smoking rules for underage persons may lose state funding.

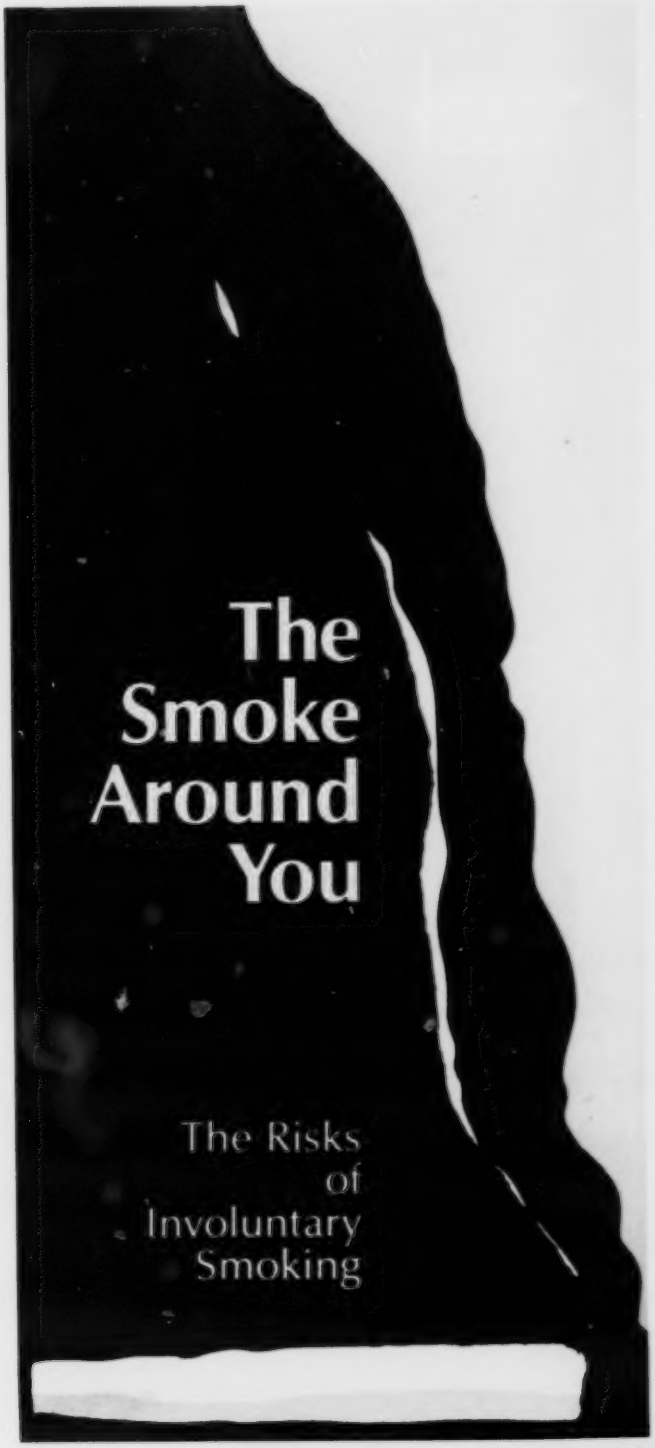
An increasing problem for high-school administrators is chewing tobacco. Chewing tobacco is an exceptionally dirty habit but nevertheless, the use of chewing tobacco by athletes and other role models has increased the use at the high school level. Chewing tobacco is a definite drug and its use should not be tolerated.

One of the biggest problems related to the issue of smoking is convincing students of the dangers of smoking when they know that faculty and family members smoke. In addition, the availability of cigarettes is nearly impossible to prevent in our culture. Cigarette advertising, like advertising for beer and alcohol, is aimed at the young and promoting smoking as a symbol for "being cool".

The best that schools can do is to keep smoking under control by enforcing school rules relating to smoking on campus and at school events. School administrators should also have accurate and hard-hitting information about the harmful effects of smoking on your health. This information can be given to students who are caught using tobacco on school grounds or at a school event. The American Cancer Society has a series of brochures available on the harmful effects of smoking. The covers of three of the best of those brochures and a sample of hard hitting information is included on the following pages. The brochures can be obtained by calling your local office of the American Cancer Society or by calling:

The American Cancer Society
1-800-ACS-2345





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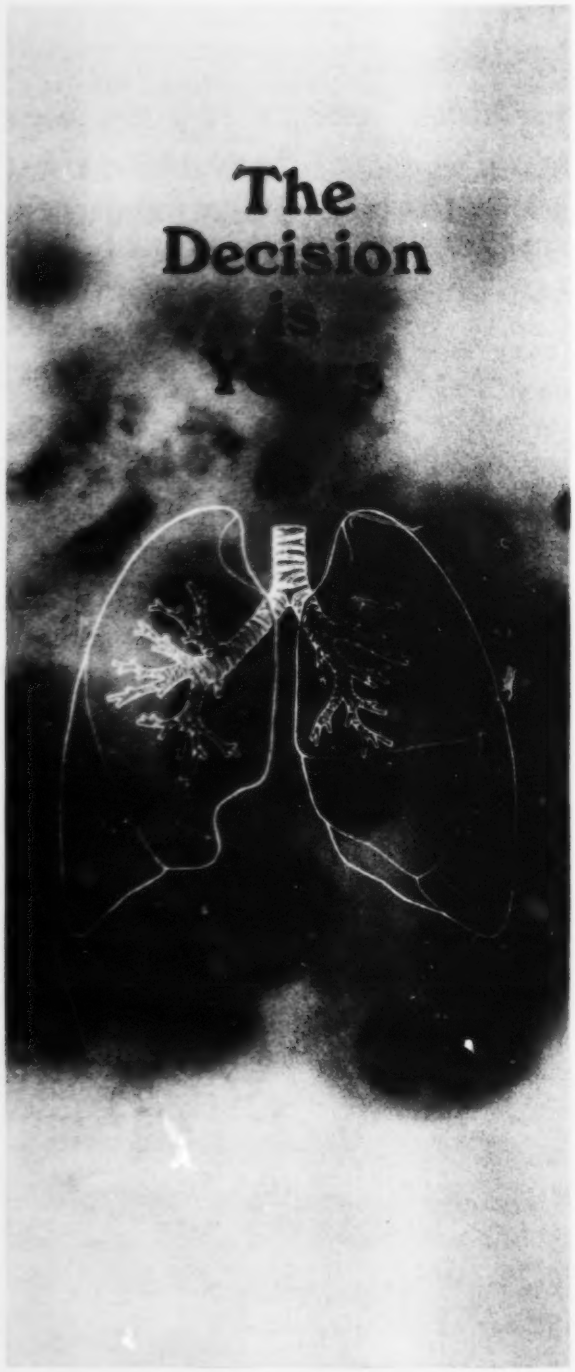

If you're dipping snuff, you should know the truth.

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Census Datå Confirm Rise in High School Attainment

"Among all Americans age 25 and older, newly released data from the 1990 census show, 75.2 percent of all Americans age 25 and older have a high school diploma or its equivalent compared with 66.5 percent in 1980."

1992 Report, CPH-L-92
U.S. Bureau of the Census

Conclusion

Surely every school administrator wants their school to be known as a place where students are treated fairly and equally. They also want their school to be known as a place that is not out of control in terms of student behavior, drugs and alcohol, gangs, violence, etc. The reputation of the school sometimes affects student and teacher morale. What is are the standards for a well-disciplined school? What are the ingredients of a fair school? How can you tell if students, teachers and parents think that your school is fair? Have you done everything you can to make certain your school meets the demands of being a fair school?

What Is a Well-disciplined School?

In a well-disciplined school there are appropriate rewards and positive consequences for appropriate student behavior and negative consequences for inappropriate behavior. Students who come to school on time, work diligently in the classroom each day, cooperate with teachers and administrators, participate in school functions, and contribute positively to the overall functioning of the school, should receive the benefits of citizenship and the rewards of full utilization of school privileges. Those benefits include such positive rewards as access to classes, use of the library, attendance at assemblies, use of textbooks, use of technical learning equipment such as typewriters, computers, etc., freedom of movement, access to meeting people socially, and use of staff for purposes of education and counseling.

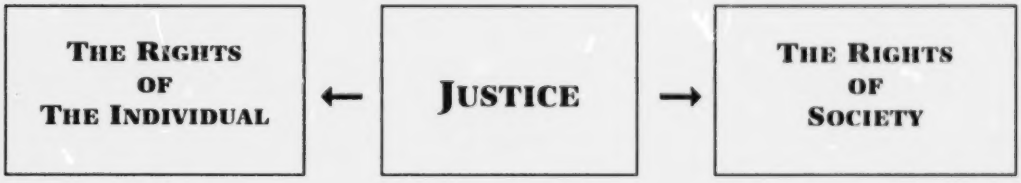
Students who disrupt the educational process, who are deserving of what the education community commonly calls disciplinary action, are denied the rewards of full school participation. They have not learned to exhibit appropriate school behavior. Much of what is defined as appropriate school behavior means observing rules of conduct congruent with norms prevailing in social gatherings and work sites in mainstream society. One of the most important objectives of schools is to help children and youth exhibit behavior appropriate to adult culture. Obviously, a positive home environment is crucial to learning appropriate adult behavior and substitute programs such as Project Head Start or other social programs may be necessary to provide appropriate role models. It is important to note that the school should not be expected to shoulder the full responsibility for teaching and modeling appropriate behavior.

The Ingredients of a "Fair School"

One of the most important ingredients for a school that demonstrates "fairness" is a balance between the rights of the individual and the rights of the student body at large. This is a difficult task and demands that school administrators keep up with recent decisions of the courts for they too deal with the same issue.

The emphasis on due process rights for students is primarily a concern for the rights of the individual. Although schools are working with large numbers of students, the school can never place itself in a position where individual rights and responsibilities are ignored. Students must have a fair hearing; they must have a right to present their side of the story; they must not be unjustly accused; they must not have entrapment strategies used against them; they should not have their persons or property searched unless there is just cause; and they must have the right to speak out and assemble peacefully.

On the other hand, students must not violate the rights of the majority to attend a school that is drug-free, violence-free, gang-free, and bigotry-free. School administrators have a responsibility to maintain order and maintain an environment appropriate for teaching and learning.



How do you know if students, teachers, and parents think that your school is "fair"?

One of the best ways to find out if students, teachers, and parents think your school is fair is to ask them. Send out a questionnaire like the one on the following page to determine if they think your school is "fair" or not (Form 12). Once the questionnaire has been returned, appoint a committee composed of students, teachers, and parents to examine the results and make both commendations and recommendations. Having a "fair school" is obviously not the sole responsibility of the school administrator. Justice is made up of many things and many people. It is too complicated an ideal for any one person. You may want to appoint a School Justice Task Force which will help the administrator keep the school on a "fairness" track and provide a sounding board for the school community.

FAIRNESS ISSUES CHECKLIST

Use the scale to rate this school in each of the areas of "fairness" described below.

Almost all the time 4	Most of the time 3	Some of the time 2	Almost never 1

Boys and girls receive equal treatment by teachers. _____

Girls and boys receive equal punishment for the same offense. _____

School rules are distributed in writing to students and parents. _____

Students have the right of free expression. _____

Students can give their side of the story if accused of a rule infraction. _____

School rules are applied with consistency and without favoritism. _____

Students have an equal opportunity to receive an education regardless of their race, religion, or nationality. _____

Efforts are made to reduce prejudice on the school campus. _____

Efforts are made to insure that weapons and drugs are not brought on the school campus. _____

The school is an orderly place for teachers to teach and students to learn. _____

Students and parents feel that teachers and administrators will listen to their point of view. _____

Students are not searched without a good reason. _____

For the most part, students settle disputes peacefully. _____

There are efforts made to help the handicapped. _____

Administrators and teachers tell the truth. _____

School rules are evaluated often and revised when necessary. _____

Have you done everything you possibly can to insure that you have a "fair school"?

Probably not. School administrators are too busy to close the loop on every "fairness" issue that comes along. School administrators also have the most difficult job in public education, and they can only do the best they can in terms of time and energy. They can, however, examine current practices of other schools and other administrators to determine if there may be something they can borrow or duplicate what has worked somewhere else in some other school community. To become locked into the past and to only his/her school, is one of the worst things that can happen to a school administrator. Refusing to communicate and trade ideas with other administrators is a serious mistake. It is hoped that texts like this will help open the door to opportunities to trade good administrative practices related to school discipline. If you have an idea that has worked for you and that you would like to share with other school administrators write to:

The School Justice Institute

29249 Bates Road
Perrysburg, Ohio
43551
(419) 666-6648

APPENDIX

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 1966.

IN RE GAULT ET AL.

APPEAL FROM THE SUPREME COURT OF ARIZONA.

No. 116. Argued December 6, 1966.—Decided May 15, 1967.

Appellants' 15-year-old son, Gerald Gault, was taken into custody as the result of a complaint that he had made lewd telephone calls. After hearings before a juvenile court judge, Gerald was ordered committed to the State Industrial School as a juvenile delinquent until he should reach majority. Appellants brought a habeas corpus action in the state courts to challenge the constitutionality of the Arizona Juvenile Code and the procedure actually used in Gerald's case, on the ground of denial of various procedural due process rights. The State Supreme Court affirmed dismissal of the writ. Agreeing that the constitutional guarantee of due process applies to proceedings in which juveniles are charged as delinquents, the court held that the Arizona Juvenile Code impliedly includes the requirements of due process in delinquency proceedings, and that such due process requirements were not offended by the procedure leading to Gerald's commitment. *Held:*

1. *Kent* v. *United States*, 383 U. S. 541, 562 (1966), held "that the [waiver] hearing must measure up to the essentials of due process and fair treatment." This view is reiterated, here in connection with a juvenile court adjudication of "delinquency," as a requirement which is part of the Due Process Clause of the Fourteenth Amendment of our Constitution. The holding in this case relates only to the adjudicatory stage of the juvenile process, where commitment to a state institution may follow. When proceedings may result in incarceration in an institution of

confinement, "it would be extraordinary if our Constitution did not require the procedural regularity and exercise of care implied in the phrase 'due process.'" Pp. 12–31.

2. Due process requires, in such proceedings, that adequate written notice be afforded the child and his parents or guardian. Such notice must inform them "of the specific issues that they must meet" and must be given "at the earliest practicable time, and in any event sufficiently in advance of the hearing to permit preparation." Notice here was neither timely nor adequately specific, nor was there waiver of the right to constitutionally adequate notice. Pp. 31–34.

3. In such proceedings the child and his parents must be advised of their right to be represented by counsel and, if they are unable to afford counsel, that counsel will be appointed to represent the child. Mrs. Gault's statement at the habeas corpus hearing that she had known she could employ counsel, is not "an 'intentional relinquishment or abandonment' of a fully known right." Pp. 34–42.

4. The constitutional privilege against self-incrimination is applicable in such proceedings: "an admission by the juvenile may [not] be used against him in the absence of clear and unequivocal evidence that the admission was made with knowledge that he was not obliged to speak and would not be penalized for remaining silent." "[T]he availability of the privilege does not turn upon the type of proceeding in which its protection is invoked, but upon the nature of the statement or admission and the exposure which it invites. . . . [J]uvenile proceedings to determine 'delinquency,' which may lead to commitment to a state institution, must be regarded as 'criminal' for purposes of the privilege against self-incrimination." Furthermore, experience has shown that "admissions and confessions by juveniles require special caution" as to their reliability and voluntariness, and "[i]t would indeed be surprising if the privilege against self-incrimination were available to hardened criminals but not to children." "[S]pecial problems may arise with respect to waiver of the privilege by or on behalf of children, and . . . there may well be some differences in technique—but not in principle—depending upon the age of the child and the presence and competence of parents. . . . If counsel was not present for some permissible reason when an admission was obtained, the greatest care must be taken to assure that the admission was voluntary. . . ." Gerald's admissions did not

measure up to these standards, and could not properly be used as a basis for the judgment against him. Pp. 44–56.

5. Absent a valid confession, a juvenile in such proceedings must be afforded the rights of confrontation and sworn testimony of witnesses available for cross-examination. Pp. 56–57.

6. Other questions raised by appellants, including the absence of provision for appellate review of a delinquency adjudication, and a transcript of the proceedings, are not ruled upon. Pp. 57–58.

99 Ariz. 181, 407 P. 2d 760, reversed and remanded.

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)

MR. JUSTICE FORTAS delivered the opinion of the Court.

Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965 a group of adults and students in Des Moines, Iowa, held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired—that is, until after New Year's Day.

This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It prayed for an injunction restraining the defendant school officials and the defendant members of the board of directors of the school district from

disciplining the petitioners, and it sought nominal damages. After an evidentiary hearing the District Court dismissed the complaint. It upheld the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. 258 F. Supp. 971 (1966). The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that prohibition of the wearing of symbols like the armbands cannot be sustained unless it "materially and substantially interfere[s] with the requirements of appropriate discipline in the operation of the school." *Burnside v. Byars*, 363 F.2d 744, 749 (1966).[1]

On appeal, the Court of Appeals for the Eighth Circuit considered the case *en banc*. The court was equally divided, and the District Court's decision was accordingly affirmed, without opinion. 383 F.2d 988 (1967). We granted certiorari. 390 U.S. (1968).

I

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the First Amendment. See *West Virginia v. Barnette*, 319 U.S. 624 (1943); *Stromberg v. California*, 283 U.S. 359 (1931). Cf. *Thornhill v. Alabama*, 310 U.S. 88 (1940); *Edwards v. South Carolina*, 372 U.S. 229 (1963); *Brown v. Louisiana*, 383 U.S. 131 (1966). As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. Compare *Cox v. Louisiana*, 379 U.S. 536, 555 (1965); *Adderley v. Florida*, 385 U.S. 39 (1966).

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech

or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. In *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Bartels v. Iowa*, 262 U.S. 404 (1923), this Court, in opinions by Mr. Justice McReynolds, held that the Due Process Clause of the Fourteenth Amendment prevents States from forbidding the teaching of a foreign language to young students. Statutes to this effect, the Court held, unconstitutionally interfere with the liberty of teacher, student, and parent.[3] See also *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *West Virginia v. Barnette*, 319 U.S. 624 (1943); *McCollum v. Board of Education*, 333 U.S. 203 (1948); *Wieman v. Updegraff*, 344 U.S. 183, 195 (1952) (concurring opinion); *Sweezy v. New Hampshire*, 354 U.S. 234 (1957); *Shelton v. Tucker*, 364 U.S. 479, 487 (1960); *Engel v. Vitale*, 370 U.S. 421 (1962); *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967); *Epperson v. Arkansas*, 393 U.S. 97 (1968).

In *West Virginia v. Barnette*, *supra*, this Court held that under the First Amendment, the student in public school may not be compelled to salute the flag. Speaking through Mr. Justice Jackson, the Court said:

> The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes. 319 U.S., at 637.

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school authorities, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. See *Epperson v. Arkansas*, *supra*, at 194, *Meyer v. Nebraska*, *supra*, at 402. Our program lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.

The problem presented by the present case does not relate to regulation of the length of skirts or the type of clothing, to hair style or deportment. Compare *Ferrell v. Dallas Independent School District*, 392 F.2d 697 (1968); *Pugsley v. Sellmeyer*, 158 Ark. 247, 250 S.W. 538 (1923). It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to "pure speech."

The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the school's work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the school or the rights of other students.

Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the school or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises.

The District Court concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. But our Constitution says we must take this risk. *Terminiello v. Chicago*, 337 U.S. 1. (1959); and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our National strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious society.

In order for the State in the person of school officials to justify

prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that the exercise of the forbidden right would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained. *Burnside* v. *Byars*, *supra*, at 749.

In the present case, the District Court made no such finding, and our independent examination of the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students. Even an official memorandum prepared after the suspension that listed the reasons for the ban on wearing the armbands made no reference to the anticipation of such disruptions.[3]

On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam.[4] It is revealing, in this respect, that the meeting at which the school principals decided to issue the contested regulation was called in response to a student's statement to the journalism teacher in one of the schools that he wanted to write an article on Vietnam and have it published in the school paper. (The student was dissuaded.)[5]

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol—black armbands worn to exhibit opposition to this Nation's involvement in Vietnam—was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with school work or discipline, is not constitutionally permissible.

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. As Judge Gewin, speaking for the Fifth Circuit, said, school officials cannot suppress "expressions of feelings with which they do not wish to contend." *Burnside v. Byars, supra*, at 749.

In *Meyer v. Nebraska, supra*, at 402, Justice McReynolds expressed this Nation's repudiation of the principle that a State might so conduct its schools as to "foster a homogeneous people." He said:

> In order to submerge the individual and develop ideal citizens, Sparta assembled the males at seven into barracks and intrusted their subsequent education and training to official guardians. Although such measures have been deliberately approved by men of great genius, their ideas touching the relation between individual and State were wholly different from those upon which our institutions rest; and it hardly will be affirmed that any legislature could impose such restrictions upon the people of a State without doing violence to both letter and spirit of the Constitution.

This principle has been repeated by this Court on numerous occasions during the intervening years. In *Keyishian v. Board of Regents*, 385 U.S. 589, 603, MR. JUSTICE BRENNAN, speaking for the Court, said:

> The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools.' *Shelton v. Tucker*, 234 U.S. 479, 487. The classroom is peculiarly the 'market-place of ideas.' The Nation's future depends upon leaders training through wide ex-

> posure to that robust exchange of ideas which discovers truth, out of a multitude of tongues, [rather] than through any kind of authoritative selection. . . .

The principle of these cases is not confined to the supervised and ordained discussion which takes place in the classroom. The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities. Among those activities is personal intercommunication among the students.[6] This is not only an inevitable part of the process of attending school. It is also an important part of the educational process. A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so "without materially and substantially interfering with appropriate discipline in the operation of the school" and without colliding with the rights of others. *Burnside v. Byars, supra,* at 749. But conduct by the student, in class or out of it, which for any reason—whether it stems from time, place, or type of behavior—materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guaranty of freedom of speech. Cf. *Blackwell v. Issaquena City Bd. of Educ.*, 303 F.2d 749 (C.A. 5th Cir. 1966).

Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle but not in fact. Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided as a safe haven for crackpots. The Constitution says that Congress (and the States) may not abridge the right to free speech. This provision means what it says. We properly read it to permit reasonable regulation of speech-connected activities in carefully restricted circumstances. But we do not confine the permissible exercise of First Amendment rights to a telephone booth or the four corners of a pamphlet, or to supervised and ordained discussion in a school classroom.

If a regulation were adopted by school officials forbidding discussion of the Vietnam conflict, or the expression by any student of opposition to it anywhere on school property except

as part of a prescribed classroom exercise, it would be obvious that the regulation would violate the constitutional rights of students, at least if it could not be justified by a showing that the student's activities would materially and substantially disrupt the work and discipline of the school. Cf. *Hammond v. South Carolina State College*, 272 F. Supp. 947 (D.C.D.S.C. 1967) (orderly protest meeting on state college campus); *Dickey v. Alabama State Board*, 273 F. Supp. 613 (D.C.M.D. Ala. 1967) (expulsion of student editor of college newspaper). In the circumstances of the present case, the prohibition of the silent, passive "witness of the armbands," as one of the children called it, is no less offensive to the Constitution's guaranties.

As we have discussed, the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred. These petitioners merely went about their ordained rounds in school. Their deviation consisted only in wearing on their sleeve a band of black cloth, not more than two inches wide. They wore it to exhibit their disapproval of the Vietnam hostilities and their advocacy of a truce, to make their views known, and by their example, to influence others to adopt them. They neither interrupted school activities nor sought to intrude in the school affairs or the lives of others. They caused discussion outside of the classrooms, but no interference with work and no disorder. In the circumstances, our Constitution does not permit officials of the State to deny their form of expression.

We express no opinion as to the form of relief which should be granted, this being a matter for the lower courts to determine. We reverse and remand for further proceedings consistent with this opinion.

Reversed and remanded.

NOTES

1. In *Burnside*, the Fifth Circuit ordered that high school authorities be enjoined from enforcing a regulation forbidding students to wear "freedom buttons." It is instructive that in *Blackwell v. Issaquena County Board of Education*, 363 F. 2d 749 (1966), the same panel

on the same day reached the opposite result on different facts. It declined to enjoin enforcement of such a regulation in another high school where the students wearing freedom buttons harassed students who did not wear them and created much disturbance.

2. *Hamilton v. Regents of Univ. of Cal.*, 293 U.S. 245 (1934) is sometimes cited for the broad proposition that the State may attach conditions to attendance at a state university that require individuals to violate their religious convictions. The case involved dismissal of members of a religious denomination from a land grant college for refusal to participate in military training. Narrowly viewed, the case turns upon the Court's conclusion that merely requiring a student to participate in school training in military "science" could not conflict with his constitutionally protected freedom of conscience. The decision cannot be taken as establishing that the State may impose and enforce any conditions that it chooses upon attendance at public institutions of learning, however violative they may be of fundamental constitutional guaranties. See, e.g., *West Virginia v. Barnette*, 319 U.S. 624 (1943); *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150 (C.A. 5th Cir. 1961); *Knight v. State Bd. of Educ.*, 200 F. Supp. 174 (D.C.M.D. Tenn. 1961); *Dickey v. Alabama St. Bd. of Educ.*, 273 F. Supp. 613 (C.A.M.D. Ala. 1967). See also Note, 73 Harv. L. Rev. 1595 (1960); Note, 81 Harv. L. Rev. 1045 (1968).

3. The only suggestions of fear of disorder in the report are these: "A former student of one of our high schools was killed in Vietnam. Some of his friends are still in school and it was felt that if any kind of a demonstration existed, it might evolve into something which would be difficult to control."

   "Students at one of the high schools were heard to say they would wear arm bands of other colors if the black bands prevailed."

   Moreover, the testimony of school authorities at trial indicates that it was not fear of disruption that motivated the regulation prohibiting the armbands, the regulation was directed against "the principle of the demonstration" itself. School authorities simply felt that "the schools are no place for demonstrations," and if the students "didn't like the way our elected officials were handling things, it should be handled with the ballot box and not in the halls of our public schools."

4. The District Court found that the school authorities, in prohibiting black armbands, were influenced by the fact that "[t]he Viet Nam war and the involvement of the United States therein has been the subject of a major controversy for some time. When the armband regulation involved herein was promulgated, debate over the Viet Nam war had become vehement in many localities. A protest march against the war had been recently held in Washington, D.C. A wave of draft-

card-burning incidents protesting the war had swept the country. At that time two highly publicized draft-card-burning cases were pending in this Court. Both individuals supporting the war and those opposing it were quite vocal in expressing their views." 258 F. Supp. at 972–973.

5. After the principals' meeting, the director of secondary education and the principal of the high school informed the student that the principals were opposed to publication of his article. They reported that "we felt that it was a very friendly conversation, although we did not feel that we had convinced the student that our decision was a just one."

6. In *Hammond v. South Carolina State College*, 272 F. Supp. 947 (D.C.D.S.C. 1967), District Judge Hemphill had before him a case involving a meeting on campus of 300 students to express their views on school practices. He pointed out that a school is not like a hospital or a jail enclosure. Cf. *Cox v. Louisiana*, 379 U.S. 536 (1965), *Adderley v. Florida*, 385 U.S. 39 (1966). It is a public place, and its dedication to specific uses does not imply that the constitutional rights of persons entitled to be there are to be gauged as if the premises were purely private property. Cf. *Edwards v. South Carolina*, 372 U.S. 229 (1963), *Brown v. Louisiana*, 383 U.S. 131 (1966).

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

Goss v. Lopez, 419 U.S. 565 (1975)

MR. JUSTICE WHITE delivered the opinion of the Court.

This appeal by various administrators of the Columbus, Ohio, Public School System (CPSS) challenges the judgment of a three-judge federal court, declaring that appellees—various high school students in the CPSS—were denied due process of law contrary to the command of the Fourteenth Amendment in that they were temporarily suspended from their high schools without a hearing either prior to suspension or within a reasonable time thereafter, and enjoining the administrators to remove all references to such suspensions from the students' records.

I

Ohio law, Rev. Code Ann. §3313.64 (1972), provides for free education to all children between the ages of six and 21. Section 3316.66 of the Code empowers the principal of an Ohio public school to suspend a pupil for misconduct for up to 10 days or to expel him. In either case, he must notify the student's parents within 24 hours and state the reasons for his action. A pupil who is expelled, or his parents, may appeal the decision to the Board of Education and in connection therewith shall be permitted to be heard at the board meeting. The board may reinstate the pupil following the hearing. No similar procedure is provided in §3313.66 or any other provision of state law for a suspended student. Aside from a regulation tracking the statute, at the time of the imposition of the suspensions in this case the CPSS itself had not issued any written procedure applicable to suspensions. Nor, so far as the record reflects, had any of the individual high schools involved in this case. Each, however, had formally or informally described the conduct for which suspension could be imposed.

The nine named appellees, each of whom alleged that he or she had been suspended from public high school in Columbus for up to 10 days without a hearing pursuant to §3313.66, filed an action against the Columbus Board of Education and various administrators of the CPSS under 42 U.S.C. §1983. The complaint sought a declaration that §3313.66 was unconstitutional in that it permitted public school administrators to deprive plaintiffs of their rights to an education without a hearing of any kind, in violation of the procedural due process component of the Fourteenth Amendment. It also sought to enjoin the public school officials from issuing future suspensions pursuant to §3313.66 and to require them to remove references to the past suspensions from the records of the students in question.

The proof below established that the suspensions arose out of a period of widespread student unrest in the CPSS during February and March 1971. Six of the named plaintiffs, Rudolph Sutton, Tyrone Washington, Susan Cooper, Deborah Fox, Clarence Byars, and Bruce Harris, were students at the Marion-Franklin High School and were each suspended for 10 days on account of disruptive or disobedient conduct committed in the presence of the school administrator who ordered the suspension. One of these, Tyrone Washington, was among a group of students demonstrating in the school auditorium while a class was being conducted there. He was ordered by the school principal to leave, refused to do so, and was suspended. Rudolph Sutton, in the presence of the principal, physically attacked a police officer who was attempting to remove Tyrone Washington from the auditorium. He was immediately suspended. The other four Marion-Franklin students were suspended for similar conduct. None was given a hearing to determine the operative facts underlying the suspension, but each, together with his or her parents, was offered the opportunity to attend a conference, subsequent to the effective date of the suspension, to discuss the student's future.

Two named plaintiffs, Dwight Lopez and Betty Crome, were students at the Central High School and McGuffey Junior High School, respectively. The former was suspended in connection with a disturbance in the lunchroom which involved some physical damage to school property. Lopez testified that at least 75 other students were suspended from his school on the same day. He also testified below that he was not a party to

the destructive conduct but was instead an innocent bystander. Because no one from the school testified with regard to this incident, there is no evidence in the record indicating the official basis for concluding otherwise. Lopez never had a hearing.

Betty Crome was present at a demonstration at a high school other than the one she was attending. There she was arrested together with others, taken to the police station, and released without being formally charged. Before she went to school on the following day, she was notified that she had been suspended for a 10-day period. Because no one from the school testified with respect to this incident, the record does not disclose how the McGuffey Junior High School principal went about making the decision to suspend Crome, nor does it disclose on what information the decision was based. It is clear from the record that no hearing was ever held.

There was no testimony with respect to the suspension of the ninth named plaintiff, Carl Smith. The school files were also silent as to his suspension, although as to some, but not all, of the other named plaintiffs the files contained either direct references to their suspensions or copies of letters sent to their parents advising them of the suspension.

On the basis of this evidence, the three-judge court declared that plaintiffs were denied due process of law because they were "suspended without hearing prior to suspension or within a reasonable time thereafter," and that Ohio Rev. Code Ann. §3313.66 (1972) and regulations issued pursuant thereto were unconstitutional in permitting such suspensions. It was ordered that all references to plaintiffs' suspensions be removed from school files.

Although not imposing upon the Ohio school administrators any particular disciplinary procedures and leaving them "free to adopt regulations providing for fair suspension procedures which are consonant with the educational goals of their schools and reflective of the characteristics of their school and locality," the District Court declared that there were "minimum requirements of notice and a hearing prior to suspension, except in emergency situations." In explication, the court stated that relevant case authority would: (1) permit "[i]mmediate removal of a student whose conduct disrupts the academic atmosphere of the school, endangers fellow students, teachers or school

officials, or damages property"; (2) require notice of suspension proceedings to be sent to the student's parents within 24 hours of the decision to conduct them; and (3) require a hearing to be held, with the student present, within 72 hours of his removal. Finally, the court stated that, with respect to the nature of the hearing, the relevant cases required that statements in support of the charge be produced, that the student and others be permitted to make statements in defense or mitigation, and that the school need not permit attendance by counsel.

The defendant school administrators have appealed the three-judge court's decision. Because the order below granted plaintiffs' request for an injunction—ordering defendants to expunge their records—this Court has jurisdiction of the appeal pursuant to 28 U.S.C. §1253. We affirm.

II

At the outset, appellants contend that because there is no constitutional right to an education at public expense, the Due Process Clause does not protect against expulsions from the public school system. This position misconceives the nature of the decision and is refuted by prior decisions. The Fourteenth Amendment forbids the State to deprive any person of life, liberty, or property without due process of law. Protected interests in property are normally "not created by the Constitution. Rather, they are created and their dimensions are defined" by an independent source such as state statutes or rules entitling the citizen to certain benefits.

Accordingly, a state employee who under state law, or rules promulgated by state officials, has a legitimate claim of entitlement to continued employment absent sufficient cause for discharge may demand the procedural protections of due process. . . . So may welfare recipients who have statutory rights to welfare as long as they maintain the specified qualifications. *Morrissey v. Brewer*, 408 U.S. 471 (1972), applied the limitations of the Due Process Clause to governmental decisions to revoke parole, although a parolee has no constitutional right to that status. In like vein was *Wolfe v. McDonnell*, 418 U.S. 539 (1974), where the procedural protections of the Due Process Clause were triggered by official cancellation of a prisoner's

good-time credits accumulated under state law, although those benefits were not mandated by the Constitution.

Here, on the basis of state law, appellees plainly had legitimate claims of entitlement to a public education. Ohio Rev. Code Ann. §§3313.48 and 3313.64 (1972 and Supp. 1973) direct authorities to provide a free education to all residents between five and 21 years of age, and a compulsory-attendance law requires attendance for a school year of not less than 32 weeks. Ohio Rev. Code Ann. §3321.04 (1972). It is true that §3313.66 of the code permits school principals to suspend students for up to two weeks; but suspensions may not be imposed without any grounds whatsoever. All of the schools had their own rules specifying the grounds for expulsion or suspension. Having chosen to extend the right to an education to people of appellees' class generally, Ohio may not withdraw that right on grounds of misconduct, absent fundamentally fair procedures to determine whether the misconduct has occurred.

Although Ohio may not be constitutionally obligated to establish and maintain a public school system, it has nevertheless done so and has required its children to attend. Those young people do not "shed their constitutional rights" at the schoolhouse door. *Tinker v. Des Moines School Dist.*, 393 U.S. 503, 506 (1969). "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted." *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 637 (1943). The authority possessed by the State to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards. Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

The Due Process Clause also forbids arbitrary deprivations of liberty. "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him," the minimal requirements of the Clause must be satisfied. School authorities here suspended appellees from school for periods of up to 10 days based on charges of mis-

conduct. If sustained and recorded, those charges could seriously damage the students' standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment. It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Appellants proceed to argue that even if there is a right to a public education protected by the Due Process Clause generally, the Clause comes into play only when the State subjects a student to a "severe detriment or grievous loss." The loss of 10 days, it is said, is neither severe nor grievous and the Due Process Clause is therefore of no relevance. Appellants' argument is again refuted by our prior decisions; for in determining "whether due process requirements apply in the first place, we must look not to the 'weight' but to the *nature* of the interest at stake." Appellees were excluded from school only temporarily, it is true, but the length and consequent severity of a deprivation, while another factor to weigh in determining the appropriate form of hearing, "is not decisive of the basic right" to a hearing of some kind. The Court's view has been that as long as a property deprivation is not *de minimis*, its gravity is irrelevant to the question whether account must be taken of the Due Process Clause. A 10-day suspension from school is not *de minimis* in our view and may not be imposed in complete disregard of the Due Process Clause.

A short suspension is, of course, a far milder deprivation than expulsion. But, "education is perhaps the most important function of state and local governments," and the total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child. Neither the property interest in educational benefits temporarily denied nor the liberty interest in reputation, which is also implicated, is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary.

III

"Once it is determined that due process applies, the question remains what process is due." We turn to that question, fully

realizing as our cases regularly do that the interpretation and application of the Due Process Clause are intensely practical matters and that "[t]he very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation." We are also mindful of our own admonition that

> Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. . . . By and large, public education in our Nation is committed to the control of state and local authorities.

There are certain bench marks to guide us, however.

A case often invoked by later opinions, said that "[m]any controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." "The fundamental requisite of due process of law is the opportunity to be heard," a right that "has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to . . . contest." At the very minimum, therefore, students facing suspension and the consequent interference with a protected property interest must be given *some* kind of notice and afforded *some* kind of hearing. "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified."

It also appears from our cases that the timing and content of the notice and the nature of the hearing will depend on appropriate accommodation of the competing interests involved. The student's interest is to avoid unfair or mistaken exclusion from the educational process, with all of its unfortunate consequences. The Due Process Clause will not shield him from suspensions properly imposed, but it disserves both his interest and the interest of the State if his suspension is in fact unwarranted. The concern would be mostly academic if the disciplinary process were a totally accurate, unerring process, never mistaken and never unfair. Unfortunately, that is not the case, and no one suggests that it is. Disciplinarians, although proceeding in utmost good faith, frequently act on the reports and advice of others; and the controlling facts and

the nature of the conduct under challenge are often disputed. The risk of error is not at all trivial, and it should be guarded against if that may be done without prohibitive cost or interference with the educational process.

The difficulty is that our schools are vast and complex. Some modicum of discipline and order is essential if the educational function is to be performed. Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Suspension is considered not only to be a necessary tool to maintain order but a valuable educational device. The prospect of imposing elaborate hearing requirements in every suspension case is viewed with great concern, and many school authorities may well prefer the untrammeled power to act unilaterally, unhampered by rules about notice and hearing. But it would be a strange disciplinary system in an educational institution if no communication was sought by the disciplinarian with the student in an effort to inform him of his dereliction and to let him tell his side of the story in order to make sure that an injustice is not done. "[F]airness can rarely be obtained by secret, onesided determination of facts decisive of rights. . . ." "Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it."

We do not believe that school authorities must be totally free from notice and hearing requirements if their schools are to operate with acceptable efficiency. Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story. The Clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school. There need be no delay between the time "notice" is given and the time of the hearing. In the great majority of cases the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred. We hold only that, in being given an opportunity to

explain his version of the facts at this discussion, the student first be told what he is accused of doing and what the basis of the accusation is. Lower courts which have addressed the question of the *nature* of the procedures required in short suspension cases have reached the same conclusion. Since the hearing may occur almost immediately following the misconduct, it follows that as a general rule notice and hearing should precede removal of the student from school. We agree with the District Court, however, that there are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases the necessary notice and rudimentary hearing should follow as soon as practicable, as the District Court indicated.

In holding as we do, we do not believe that we have imposed procedures on school disciplinarians which are inappropriate in a classroom setting. Instead we have imposed requirements which are, if anything, less than a fair-minded school principal would impose upon himself in order to avoid unfair suspensions. Indeed, according to the testimony of the principal of Marion-Franklin High School, that school had an informal procedure, remarkably similar to that which we now require, applicable to suspensions generally but which was not followed in this case. Similarly, according to the most recent memorandum applicable to the entire CPSS, school principals in the CPSS are now required by local rule to provide at least as much as the constitutional minimum which we have described.

We stop short of construing the Due Process Clause to require, countrywide, that hearings in connection with short suspensions must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident. Brief disciplinary suspensions are almost countless. To impose in each such case even truncated trial-type procedures might well overwhelm administrative facilities in many places and, by diverting resources, cost more than it would save in educational effectiveness. Moreover, further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular

disciplinary tool but also destroy its effectiveness as part of the teaching process.

On the other hand, requiring effective notice and informal hearing permitting the student to give his version of the events will provide a meaningful hedge against erroneous action. At least the disciplinarian will be alerted to the existence of disputes about facts and arguments about cause and effect. He may then determine himself to summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he may permit counsel. In any event, his discretion will be more informed and we think the risk of error substantially reduced.

Requiring that there be at least an informal give-and-take between student and disciplinarian, preferably prior to the suspension, will add little to the factfinding function where the disciplinarian himself has witnessed the conduct forming the basis for the charge. But things are not always as they seem to be, and the student will at least have the opportunity to characterize his conduct and put it in what he deems the proper context.

We should also make it clear that we have addressed ourselves solely to the short suspension, not exceeding 10 days. Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures. Nor do we put aside the possibility that in unusual situations, although involving only a short suspension, something more than the rudimentary procedures will be required.

IV

The District Court found each of the suspensions involved here to have occurred without a hearing, either before or after the suspension, and that each suspension was therefore invalid and the statute unconstitutional insofar as it permits such suspensions without notice or hearing. Accordingly, the judgment is *Affirmed*.

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

NEW JERSEY *v.* T. L. O.

CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

No. 83–712. Argued March 28, 1984—Reargued October 2, 1984—
Decided January 15, 1985

A teacher at a New Jersey high school, upon discovering respondent, then a 14-year-old freshman, and her companion smoking cigarettes in a school lavatory in violation of a school rule, took them to the Principal's office, where they met with the Assistant Vice Principal. When respondent, in response to the Assistant Vice Principal's questioning, denied that she had been smoking and claimed that she did not smoke at all, the Assistant Vice Principal demanded to see her purse. Upon opening the purse, he found a pack of cigarettes and also noticed a package of cigarette rolling papers that are commonly associated with the use of marihuana. He then proceeded to search the purse thoroughly and found some marihuana, a pipe, plastic bags, a fairly substantial amount of money, an index card containing a list of students who owed respondent money, and two letters that implicated her in marihuana dealing. Thereafter, the State brought delinquency charges against respondent in the Juvenile Court, which, after denying respondent's motion to suppress the evidence found in her purse, held that the Fourth Amendment applied to searches by school officials but that the search in question was a reasonable one, and adjudged respondent to be a delinquent. The Appellate Division of the New Jersey Superior Court affirmed the trial court's finding that there had been no Fourth Amendment violation but vacated the adjudication of delinquency and remanded on other grounds. The New Jersey Supreme Court reversed and ordered the suppression of the evidence found in respondent's purse, holding that the search of the purse was unreasonable.

Held:

1. The Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials and is not limited to searches carried out by law enforcement officers. Nor are school officials exempt from the Amendment's dictates by virtue of the special nature of their authority over schoolchildren. In carrying out searches and other functions pursuant to disciplinary policies mandated by state statutes, school officials act as representatives of the State, not merely as surrogates for the parents of students, and they cannot claim the parents' immunity from the Fourth Amendment's strictures. Pp. 333–337.

2. Schoolchildren have legitimate expectations of privacy. They may find it necessary to carry with them a variety of legitimate, noncontraband items, and there is no reason to conclude that they have necessarily waived all rights to privacy in such items by bringing them onto school grounds. But striking the balance between schoolchildren's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions to which searches by public authorities are ordinarily subject. Thus, school officials need not obtain a warrant before searching a student who is under their authority. Moreover, school officials need not be held subject to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a determination of whether the search was justified at its inception and whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. Under ordinary circumstances the search of a student by a school official will be justified at its inception where there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. And such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction. Pp. 337–343.

3. Under the above standard, the search in this case was not unreasonable for Fourth Amendment purposes. First, the initial search for cigarettes was reasonable. The report to the Assistant Vice Principal that respondent had been smoking warranted a reasonable suspicion that she had cigarettes in her purse, and thus the search was justified despite the fact that the cigarettes, if found, would constitute "mere evidence" of a violation of the no-smoking rule. Second, the discovery of the rolling papers then gave rise to a reasonable suspicion that respondent was carrying marihuana as well as cigarettes in her purse, and this suspicion justified the further exploration that turned up more evidence of drug-related activities. Pp. 343–347.

94 N. J. 331, 463 A. 2d 934, reversed.

WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and POWELL, REHNQUIST, and O'CONNOR, JJ., joined, and in Part II of which BRENNAN, MARSHALL, and STEVENS, JJ., joined. POWELL, J., filed a concurring opinion, in which O'CONNOR, J., joined, *post*, p. 348.

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